(2)

CASE NO. 04 -1091

SUPREME COURT, U.S.
FILED
MAY 10 2005
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER N. AMAECHI

Petitioner

v.

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION et al.

Respondents

ON PETITION FOR A REHEARING OF JUDGEMENT ON CASE NO. 04-1091 IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR A REHEARING

Christopher Nnamdi Amaechi
Petitioner
P.O. Box 2371
London, Kentucky 40743-2371
(606) 878-2389

QUESTIONS FOR REVIEW ON PETITION FOR REHEARING ON CASE NO. 04-1091 – RULE 44

(a). Whether the Petitioner has presented an additional exhibit or proof that he filed a complaint on grounds that Respondents deprived him of his rights to Equal Protection of the laws guaranteed under the ***Fourteenth Amendment*** to the United States Constitution, and of his civil rights to enforce ***contract***?

(b). Whether the Petitioner has presented an additional exhibit or proof that Respondents *intentionally* and or *purposefully discriminated* against him on the basis of his ***race,*** color, and or national origin by depriving him of his vested ***liberty*** interest to enjoy equal treatments protected by the Equal Protection Clause under the U.S. CONST. Amendment XIV (14) § 1? & under KY CONST. § 1?

(c). Whether the Petitioner has presented an additional exhibit or proof that Respondent has a ***history of racial discrimination against African-American male*** and their current conduct is presumed to be likely motivated?

(d). Whether the Petitioner has presented an additional exhibit or proof that Respondents *deprived* him of his ***vested rights*** to enforce ***contract*** by denying him the Equal Protection guaranteed under the U.S. CONST. Amendment XIV (14) §1 and under 42 U.S. C. §§ 1981, 1983; 28 U.S.C. §1331? & under 20 U.S.C. § 1703 (a & b)?

(e). Whether the petitioner has presented an additional exhibit or proof that Respondents ***arbitrarily deprived*** him of his right to his vested ***property*** interest by denying him the Equal Protection to complete his degree within his five (5) years of eligibility protected under K.R.S. § 157.310 and guaranteed under the U.S. CONST. Amendment XIV (14) 42 U.S.C. §§ 1981, and 1983? & under KY CONST. § 1?

STATEMENT OF QUESTION (a)
FOR REHEARING

For statement of question (a) Petitioner presents "in good faith and not for delay", three (3) of thirty-four (34) additional and substantial exhibits to prove that he filed a complaint claiming that Respondents ***deprived*** him of his rights to **equal protection** of the laws guaranteed under the Fourteenth Amendment to the United States Constitution and denied him of his civil rights to enforce contract and that said complaint was docketed. See Apx. **1-34** pp. 11-103; Apx.**1**, pp.11-38, Apx. **2** pp.38-48; Apx. **3**, pp. 48-55.

Subsidiary Question for Question (a):

Whether the Court will first determine if the Plaintiff had stated a claim of deprivation of Equal Protection Clause guaranteed under the Fourteenth Amendment to the United States Constitution in deciding the Defendants' motion?

STATEMENT OF QUESTION (b)

For statement of question (b), Petitioner ("Amaechi") presents "in good faith and not for delay" eleven (11) of thirty-four (34) additional and substantial exhibits to prove that Respondents intentionally or purposefully and repeatedly subjected him to disparate treatments or discriminated against him on the basis of his race, color, and or national origin. Amaechi was humiliated by repeated and disparate treatments of him – abandoned after he passed his qualifying examination, other doctoral candidates in EPE Department chose their Academic Advisors but his was imposed on him over his objections, deprived him of an opportunity to respond to the e-mail intentionally written on 3/21/2000 for his termination, was terminated 11/21/2001. See Apx. **4, 5, 6, 7, 8, 9, 10, 11, 12, 13,** and **14,** pp.56-73

Subsidiary Question for Question (b):

Whether the Petitioner has cited any case law to show that Respondent's conduct clearly violated his constitutional and or statutory rights of which a reasonable person would have known?

STATEMENT OF QUESTION (c)

For statement of question (c), Petitioner presents "in good faith and not for delay" three (3) of thirty-four (34) additional and substantial exhibits to prove that the Respondent has a history of discriminating against African-American male. See Apx.**15, 16** and **17**, pp. 73-75.

Subsidiary Question for Question (c):

Whether there is a legal precedence to infer that where the Defendant is guilty of purposeful discrimination at a point in the past, this conduct may allow a presumption that the Respondents' "subsequent" or "current" conduct was similarly motivated?

STATEMENT OF QUESTION (d)

For statement of question (d), Petitioner presents "in good faith and not for delay" one (1) of thirty-four (34) additional and substantial exhibits to prove that Respondents deprived him of his right to enforce ***contract*** and the right to equal educational opportunity. He was deprived of an equal educational opportunity to participate in his ***vested liberty*** interest to pursue college teaching, an opportunity extended to Caucasian students and denied Amaechi's right to Equal Protection guaranteed under the Fourteenth Amendment to the United States Constitution and Statutes 42 U.S.C. §§ 1981, 1983 & 28 U.S. C. §. 1331, pp.xix-xx, and Apx.**18**, p.75-76; and see Apx.**1**, pp.14 –15 para. 12; p. 28 para. 59.

Subsidiary Question for Question (d):

Whether the Plaintiff has presented an additional exhibit to show he is a member of a racial minority?

STATEMENT OF QUESTION (e)

For statement of question (e) Petitioner (Amaechi) presents "in good faith and not for delay" sixteen (16) of thirty-four (34) additional and substantial exhibits to prove that the person(s) or committee responsible for Amaechi's graduation from the University of Kentucky and for his termination thereafter, departed substantially from accepted academic norms and did not actually exercise professional judgement. Respondents were using measures of *"Performance Gap"* as outcomes of education representing "Undergraduate Student Satisfaction with Experiences at the University of Kentucky". Over 800 institutions in the United States use "Performance Gap" as a measure of student satisfaction with college/university.

However, Amaechi discovered through his dissertation research at the University of Kentucky that *"Performance Gap"* is not a measure of student satisfaction at all. A measure of "Performance Gap" is what you get after subtracting any number of oranges from the same number of apples. It is in fact a deceptive model likely to destroy a school system and or a nation whose future is embarked on adequate education of its citizens.

For that reason, Amaechi developed his Student-Experience-Satisfaction (S1-E-S2) model and corrected that problem posed by "Performance Gap". He submitted his reports on 2/27/2001 and on 4/30/2001 to his committee for comments. The University graduated him on 5/6/2001 without an equal educational opportunity to first complete revising his written report or dissertation and to successfully

defend it before graduation. He was terminated on 11/21/2001 after that graduation. Both practices ***shock the conscience*** and were very substantial departures from accepted academic norms at the university, and deprived Amaechi of his ***Substantive*** and vested liberty and property interests to pursue careers in education, and denied him of his right to Equal Protection Clause guaranteed under the Fourteenth Amendment to the United States Constitution, pp. xvii-xviii, and see Apx. **19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 32, 33,** and **34**, pp. 76-103. Also see Apx. **1,** pp. 23 –24, para. 44, p. 24 para. 45.

In essence, Amaechi tested Emile Durkheim's (1909) notion herein stated: *"Sociology must not be a simple illustration of ready-made and deceptive truisms; it must fashion discoveries which cannot fail to upset accepted notions"*. [Collins, Randall (1994, p. 181). The Four Sociological Traditions. NY, NY: Oxford University Press.]. Durkheim's scientific notion has endured the test of time.

Again, Amaechi had over two (2) years of eligibility remaining in the doctoral degree program after 4/30/2001. Respondents graduated him from his Doctor of Education (Ed. D.) degree program effective May 6, 2001 and terminated him from the same graduate program effective November 21, 2001.

Subsidiary Question for Question (e):

Whether the Supreme Court of the United States would override judgements of the faculty if it is such a substantial departure from accepted academic norms as to demonstrate that the person(s) or committee responsible did not actually exercise professional judgement?

LIST OF PARTIES

PETITION FROM THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

CHRISTOPHER N. AMAECHI,

(Complainant-Appellant-Petitioner)

v.

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF KENTUCKY, THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AT THE UNIVERSITY OF KENTUCKY, MICHAEL T. NIETZEL, DEAN OF GRADUATE SCHOOL, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY, AND RICHARD ANGELO, CHAIR OF THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AND GRADUATE FACULTY MEMBER, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY, *(Defendanst-Appellees-Respondents).*

COUNSEL FOR RESPONDENTS

Mr. Robert L. Roark Esq.

Erica L. Keenan Esq.

163 East Main Street, Suite 200

Lexington, KY 40588-1598

(859) 225-4714

DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST

CHRISTOPHER N. AMAECHI,

Plaintiff-Appellant-Petitioner

****

Petitioner makes the following disclosures pursuant to the United States Supreme Court's Rule 29.6

1. Is said party a subsidiary or affiliate of a publicly owned corporation?

NO.

2. Is there a publicly owned corporation, not a party to the petition, that has a financial interest in the outcome?

NO.

C.N. Amaechi

CHRISTOPHER N. AMAECHI
Petitioner

05/10/05
DATE

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CONCISE STATEMENT OF THE BASIS FOR REHEARING IN THE U.S. SUPREME COURT

Christopher Nnamdi Amaechi (hereafter Plaintiff-Appellant-Petitioner "Amaechi") states that the absence of an Attorney to represent him in a case of this magnitude is an intervening circumstance of a substantial or controlling effects. He filed his Petition for Case No. 04-1091 without a legal representation because his Attorney Linda J. West (Esq.) said she is not admitted to the Bar of the United States Supreme Court. Amaechi unable to find an attorney is filing this Petition for Rehearing under Rule 44 with limited knowledge from filing the Petition for a Writ of Certiorari for Case No. 04-1091. In addition to previous 33 exhibits presented in the Petition for a Writ of Certiorari, Amaechi has included thirty-four (34) more exhibits (Apx. 11 – 34; pp. 11 to 103) herein on *grounds* as stated in the Second Amended Complaint in Apx. 1 pp. 11-38 herein; on questions for review, subsidiary questions for review, all exhibits and facts presented, arguments, and related case laws, constitutional, statutory, and on regulatory provisions believed to confer on the United States Supreme Court's jurisdiction to review. This Petition for Rehearing is restricted to the grounds specified in this paragraph and it is presented "in good faith and not for delay".

The first paragraph herein is presented and signed on p. 104 as "Certification of a party unrepresented by counsel".

CONSTITUTIONAL, REGULATORY, AND STATUTORY PROVISIONS BELIEVED TO CONFER ON THE U.S. SUPREME COURT'S JURISDICTION TO REVIEW VERBATIM QUOTATION REQUIRED UNDER RULE 14.1(f)

CONSTITUTIONIONAL PROVISIONS TO REVIEW:

KY CONST. § 1

"Rights of life, **liberty**, worship, pursuit of safety and happiness, free speech, acquiring and protecting **property**, peaceable assembly, redress of grievances, bearing arms…"

Source: **http://www.lrc.state.ky.legresou/constitu/oo1.htm**

KENTUCKY CONSTITUTION § 183

"The General Assembly shall, by appropriate legislation, provide for efficient system of common schools throughout the state"

Source:
http://www.lrc.state.ky.us/legresou/constitu/183.htm

U.S. CONST. Amendment XIV (14)

"All persons born or naturalized in the in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" [E.D.

Reutter Jr. (1985) The Law of Public Education, (3rd Edition) p. 904].

U.S. CONST. Amendment XIV (14) § 1

...no state shall "deny to any person within its jurisdiction the **equal protection** of the laws".

REGULATORY PROVISIONS TO REVIEW:

REGULATION - UNIVERSITY OF KENTUCKY (UK)

"The University of Kentucky is committed to a policy of providing educational opportunities to all qualified students regardless of economic or social status, and will not discriminate on the basis of race, color, religion, sex, marital status, beliefs, age, national origin, sexual orientation, or physical or mental disability. Compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination, and with Title VI of the Civil Rights Act of 1964 is coordinated by Mr. Terry Allen, Affirmative Action Officer, 8 Administration Building, (859) 257-8927". **Source:** 2000-2002 University of Kentucky Graduate School Bulletin - Compliance with Regulations, p. 2)."

Title VI of Civil Rights Act of 1964

"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance". (Reutter, E. E. 1985, p. 905). The Law of Public Education (3rd. Edition). The Foundation Press, Inc. Mineola, New York

STATUTORY PROVISIONS TO REVIEW:

KENTUCKY STATUTE K.R.S. § 157.310

"It is the intention of the General Assembly to assure substantial equal public school educational opportunities for those in attendance in the public schools of the Commonwealth ...."

20 U.S.C. § 1703 (a). Equal Educational Opportunities Act.

"No state shall deny equal educational opportunities to an individual on account of his or her race, color, sex, or national origin, by ... the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools..."

20 U.S.C. § 1703 (b) Equal Educational Opportunities Act.

"No State shall deny equal educational opportunity to an individual on the account of his or her race, color, sex, or national origin...the failure of an educational agency which has formerly practice such deliberate segregation to take affirmative steps...to remove the vestiges of a dual school system."

28 U.S.C. § 1331 Federal Questions:

"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States". "Administrative Procedure Act waves sovereign immunity under federal question jurisdictional statute." A.E. Finley & Associates, Inc. v. U.S., C.A. 6 (Tenn.) 1990, 898 F. 2d 1165.

28 U.S.C. § 1331

"Statute conferring federal question jurisdiction under 28 U.S.C. § 1331 is not general waiver of sovereign immunity, but merely establishes subject matter that is within competence of federal courts to entertain." *Coggeshall Development Corp. v. Diamond, C.A. I. (R.I.)* (1989), 884 F.2d 1.

42 U.S.C. § 1981

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts to sue, be parties, give evidence and to the full and equal benefits of all laws and proceedings for the security of persons and property as is enjoyed by white citizens and shall be subject to like punishment, pains penalties, taxes, licenses, and exactions of every kind, and to no other".

42 U.S.C. § 1983

"Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress [E.D. Reutter Jr. (1985) The Law of Public Education, (3rd Edition) p. 907].

STATEMENTS OF THE CASE

Christopher Nnamdi Amaechi (Plaintiff-Appellant-Petitioner - "Amaechi") and his spouse and four children are citizens of the United States and residents of Kentucky.

The exhibits presented in Appendix **1-to-34,** pp.11-103 herein were not presented on Petition for a Writ of Certiorari for Case No. 04-1091 due to those "intervening and substantial circumstances of..." stated on p. 104 herein.

Though limited to those intervening circumstances of a substantial or controlling effects on p. xvi, the Petitioner wishes to use the exhibits presented herein to prove that the University of Kentucky, et, al. listed on p. vi herein and within its jurisdiction *discriminated* against Amaechi on the basis of his *race, color and* or *national origin*, by denying him of his rights to ***Equal Protection*** Clause guaranteed under the Fourteenth Amendment to the United States Constitution, and abandoned him after he passed his qualifying examination at the university and deprived him of his rights to enforce contract guaranteed under 42 U.S.C § 1981, 42 U.S.C. § 1983, and 28 U.S.C. § 1331. That the said Respondent arbitrarily deprived him of his liberty for equal access to educational activities by denying him the **Equal Protection** of the laws guaranteed under U.S. CONST. Amendment XVI (14). See Complaint Apx. **1** pp. 11 to 38.

(a). ***Proof - Type(s) of Amaechi's Complaint on Record***

Plaintiff's Second Amended Complaint filed on 2/19/2003 shows, he alleged, Defendants deprived him of his constitutional and civil rights and breached his contract. See Apx. **1**, p.12, para. 2; pp. 12-13, para. 3.

The Civil Docket for Case #: 5:02-CV-00241-JMH shows records of entry for this case. See Apx. **2**, pp. 39-48 [R12: Date: 02/19/2003] p. 42.

The General Docket for Case #: 03-6410 also shows additional records of entry for this case. See Apx. **3**, pp.48-55. [R: Filing Date: 11/3/03].

(b). ***Proof - Discrimination based on race, color, & or national origin-Procedural-Equal Protection...***

Respondents abandoned Amaechi from the Doctor of Education (Ed. D.) degree program after he passed his qualifying examination on 9/10/1998. See Apx. **4**, pp.56-57.

However, doctoral degree candidates who were Caucasian passed the same examination as did Amaechi but were not abandoned after passing the same examination. There were no other doctoral candidates who went through that process, as did Amaechi. See Apx. **12**, pp. 68-69. As a result of that abandonment he became concerned and felt helpless. He describes that *treatment* of him as ***disparate.***

Dr. Angelo and Amaechi were having racial tensions before Angelo became Amaechi's Major Advisor by *imposition*. See Apx. **1** p.15 para. 13, pp.16 &17 para. 19, p.20 para. 32, p.20 para. 33, and p.20 para. 35. Five **(5)** months (October 22, 1999 through March 21, 2000) later Angelo e-mailed members of the EPE Graduate Faculty expressing in part his **intent** to remove Amaechi from the Graduate School. See Apx. **5**, pp.57-60. Amaechi did not know about that e-mail until months after filing his complaint. Amaechi states that Respondents purposefully and intentionally *imposed* Angelo on him for termination.

That e-mail was a process Respondents designed for Amaechi's termination because, *"...There were no other doctoral candidates who went through the termination*

process as did Amaechi". See Apx. **12**, pp. 68-69. Amaechi was humiliated by those repeated ***disparate*** treatments of him and yet, cautiously optimistic for a better future.

Petitioner asked Dr. Kifer if he could please chair or co-chair Amaechi's committee. Dr. Kifer told Amaechi that he does not chair or co-chair a dissertation committee. See Apx. **1**, p. 19 para. 30. However, Amaechi discovered a year later that Dr. Kifer co-chaired Dr. Doris N. Stilwell's dissertation committee at the University of Kentucky with Dr. Fred Danner also at the university. See Apx. **10**, p. 66.

Dr. Edward S. Kifer advised Amaechi to use for Amaechi's dissertation an "SPSS Data File" that was not approved by the committee. See Apx. **6**, pp. 60-62. Amaechi had trusted Dr. Kifer prior to that incident but said no and thereafter Dr. Kifer became unkind to Amaechi.

In addition, Dr. Kifer appeared unsure he had advised Amaechi to use that SPSS Data File not approved by Amaechi's committee for a dissertation; Apx. **7**, pp. 62-63.

Dr. Kifer later admitted that there were some differences between his SPSS Data File and Amaechi's SPSS Data File. See Apx. **8**. p. 64. Subsequently, Amaechi began to wonder if Dr. Kifer's sudden behavioral changes were because of Amaechi's decision to write a dissertation from the committee approved SPSS Data File.

Furthermore, in Amaechi's letter to Dr. Kifer on 1/9/2001, Amaechi wanted to know if Dr. Kifer would review Amaechi's Analyzed Satisfaction Data beyond the reliability of satisfaction scale and frequencies of Missing N; Apx. **9**, pp.64-65 Amaechi could not understand why Dr. Kifer's behaviors became very unpredictable at that point.

One U.S. born citizen enrolled in the same Doctor of Education (Ed. D.) degree program in EPE as did Amaechi but a semester earlier than Amaechi. Amaechi was

terminated but this person was not. See Apx. **10**, pp. 66. On that ground, national origin became a factor.

Petitioner had applied for a TA position in EPE Department as stated in Apx **1** p.18 para. 24. Respondents hired some doctoral degree candidates who were Caucasian over Amaechi for those TA positions; Apx. **11.** pp. 66-68, and Apx **1** p.18 para. 25. As a result, Amaechi felt abused because Respondents purposefully *deprived* him of his right to enforce the agreement signed on 6/28/95. See Apx. **1** pp.14-15, para. 12. Amaechi was very qualified. See Apx. **1** p.28, para. 59 as part of his experience for that position yet; he was *denied* equal educational opportunity to receive that practical teaching assistants (TA) experience due to his race.

Respondents have already admitted, ***"...There were no other doctoral candidates who went through the termination process as did Amaechi"***. See Apx. **12,** pp. 68-69. That admission clearly speaks to Amaechi's experiences and feelings. Respondents intentionally denied and deprived him of his constitutional and civil rights.

Respondents *chose* Dr. Michael T. Nietzel in advance to be Amaechi's outside reader and to judge Amaechi's final dissertation. See Apx. **13**, pp. 69-71. That treatment was inconsistent with Respondents policies. See Apx **1**. p.15 para. 14, and a repeat of Dr. Angelo's mistreatments of Amaechi. See Apx. **1,** p. 20 para. 35. As a result of various impositions of university officials on Amaechi over his objections, ***without a hearing or a notice for one***, he began to question his *self-worth and dignity*. Doctoral degree candidates in the EPE program who were Caucasian did not receive the same disparate treatments as did Amaechi.

Respondents notified the Graduate School of their *intent* to schedule a final examination for Amaechi. But, according to the EPE Doctoral Program Guidesheet, the

Major Professor (Dr. Angelo) had to say "OK," that the dissertation was ready to be defended. He did not say "OK,". Yet, Respondents scheduled that final exam. See Apx. **14**, pp. 71-73. Such repeated and disparate treatments of Amaechi that began between June 1995 and Fall 1997 as in Apx. **1** p.15 para. 13 intensified in an on-going basis after he passed the qualifying examination on September 10, 1998. Caucasian students who were enrolled in the same program did not receive the same treatments as Amaechi was receiving for the same behavior. At that point Amaechi concluded that those disparate, repeated and purposeful treatments of him are forms of racial discrimination and must be because of his race, color, and or national origin.

(c). ***Proof - UK has a History of Racial Discrimination***

About 1948, Lyman T. Johnson (African-American) male was denied admission to UK's Graduate School on the basis of his ***race***. He sued UK and won. See Apx. **15**, p.75.

Other Issues of race with the Respondents

The EPE Department did not hire an African-American Full Graduate Faculty member for over 14 years. Apx. **16**, p. 74. Faculty refused to work with Dr. Harris III (Black) who agreed to co-chair Amaechi's committee with any one of them from that EPE Department. See Apx. **1**, p. 17 para. 22, p. 18, para. 23. Amaechi was distraught because Respondents allowed Caucasian students to have Caucasian Faculty members serve on their dissertation committee.

Respondents responded falsely in the Interrogatories that some African Students on J-1 and F-1 Visas graduated from the EPE doctoral program were African-Americans and or U. S. Citizens which they were not. Apx. **17**, pp.74-75.

(d). ***Proof - Breach of Agreement and or of Contract***

Respondent *denied and deprived* Amaechi of his rights to enforce the agreement he signed with Respondent

on 6/28/95; Apx. **18**, pp.75-76; Apx. **1**, p. 14-15 para. 12; p. 30, pare. 65. The Respondent hired Caucasian students identified in Apx. **11** pp.66-68 for TA positions over Amaechi. He believes he was denied an adequate training for college teaching due to his race, color and or national origin.

(c). ***Proof – Claim under Substantive Due Process…***

… A Shock of Conscience - deprivation of …

Here is the genesis of Amaechi's dissertation research at the University of Kentucky. In 1909, Emile Durkheim wrote: *"Sociology must not be a simple illustration of ready-made and deceptive truisms, it must fashion discoveries which cannot fail to upset accepted notions".* Collins, R. (1994). The Four Sociological Traditions: New York, NY. Oxford University Press.

Amaechi (2001) studied Undergraduate Student Satisfaction with...Experiences from Academic Services (AS) and Non-Academic Services (NAS) at the University of Kentucky. His committee approved his proposal to re-investigate the 1997 Satisfaction Survey Data that UK had viewed though the ideas of *"Performance Gap".*

Through that investigation Amaechi discovered that ***"Performance Gap"*** was in use for decision-making and policy formulations in education across the U.S.; however, it is not a true outcome of education that some practitioners believe it to be. It is a ready-made and deceptive truism undermining outcomes of education across the United States.

Over 800 institutions across the United States use *"Performance Gap".* It has the potential to destroy the United States' future embarked on education. See Apx. **19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,** and **34** pp. 76-103 to briefly understand the danger it poses and Respondents' intolerance of Amaechi's discovery.

Amaechi's first research report or dissertation was submitted to his committee on February 27, 2001. See Apx. 1, pp.23-24 para. 44, and the revised draft on April 30, 2001. See Apx. 1, p. 24 para. 45. Amaechi proposed to graduate on May 6, 2001. See Apx 1, p. 24 para. 45. He was graduated while he was revising his dissertation. He discovered he was graduated after filing his Second Amended Complaint.

Respondents had purposefully and intentionally e-mailed the EPE Faculty on 3/21/ 2000 as in Apx. 5, pp. 57-60 in part for Amaechi's termination executed on 11/21/2001 and in retaliation for Apx. 1, p. 19 para. 29 and for Apx. 1 p. 20, para. 33 and despite his successes as in Apx. 1, p. 28 para. 59; Apx 1, p. 24, para. 45. His termination was pre-meditated; his disparate treatments prior to termination were also arbitrary, intentional or purposeful, capricious, and a substantial departure from the accepted academic norm.

Arguments

(a). ***Type(s) of Complaint***

In *Hansen v. Western City School District*, (1994), No. 93-3231, U.S. App. LEXIS 31576, at *25 (6th Cir. Nov.) the court ruled: "Municipalities, such as the School and the Board, are "persons" subject to suit under 42 U.S.C. § 1983" and Amaechi's complaint is in one accord with that decision.

(b). ***Claim under Procedural Due Process ...***

Discrimination based on race, color, &,'ntl. Origin

Petitioner (Amaechi) has demonstrated with his exhibits presented and summarized in part as follow: Respondents abandoned Amaechi after he passed the qualifying examination, deprived him of the opportunity to participate in the TA program as was agreed to on June 28, 1995, used e-mail on 3/21/2000 to plan for Amaechi's

termination; attempted on 11/6/2000 to deceive him with the wrong SPSS Data File, ***imposed*** Dr. Angelo on him on 10/22/99 to be his academic advisor, ***imposed*** Dr. Nietzel on him on 3/6/2001 to be his outside reader without an **"OK,"** from Dr. Angelo and a substantial departure from academic norms. It was a different process for graduation than was in use as in *"EPE Doc. Prog. Guidesheet"* / K.R.S. § 157.310.

Respondents can not deny or dispute any of the exhibits and or facts presented herein that doctoral degree candidates in the EPE Department who were Caucasian were not subjected to the same treatments, as they did to Amaechi. Analogous to existing case laws as in *Black v. Barberton Citizens Hosp.*. (1998); 134 F.3d 1265, 1267 (6th Cir.), *Doe v. Fordham University* (1999); 56 F. Supp. 2d 330, 337 (S.D.N.Y.) and in *Soper v. Hoben,* (1999); 195 F. 3d 845, 852 (6th Cir.); Amaechi contends that in this instant case the Respondents ***discriminated*** against him on the basis of his ***race*** and ***denied*** him of his constitutional rights guaranteed under Equal Protection Clause of the U.S. CONST. Amendment XIV (14) § 1 and in 20 U.S.C. § 1703 (a & b).

Petitioner contends that disparate treatments of him were purposeful or intentional, denying him a right to equal educational opportunities that the State of Kentucky has chosen to protect under K.R.S. § 157.310/*Rose v. Council for Better Education Inc.* (1989), 790 S.W.2d 186, 60 Ed. Law Rep. 1289. Analogous to *Gallagher v. Pontiac School Dist.* (1986) 807 F. 2d 75, 79 (6th Cir.); *Soper v. Hoben,* (1999) 195 F. 3d 845, 852 (6th Cir.) & *County of Sacramento v. Lewis* (1998) 523 U.S. 833, 841 n. 5; Respondents *denied* Amaechi the same opportunities to chose advisors as did Caucasian students under U.S. CONST. Amendment XIV.

(c). Respondent has a History of Race Discrimination

This Petitioner is **not** the only African-American male that has filed a complaint of race *discrimination* and or

of a *breach of contract* against the University of Kentucky after Lyman T. Johnson's (1948/49) case. Respondents are presumed guilty of purposeful discrimination based on the past history as was ruled in Dayton Bd. of Educ. Brinkman, (1979); 433 U.S. 526, 535-538.

(d). ***Breach of agreement or contract.***

In Doe v. Fordham University, (1999) 56 F. Supp. 2d 330, 337 (S.D.N.Y.) the Court ruled; to state a claim of breach of contract under 42 U.S.C. § 1981, Plaintiff must allege that he is a member of a racial minority. Amaechi's membership is in one accord with that case law. In addition, in Browning v. Pendeleton, (1989); 869 F. 2d 989 (6th Cir.), the Courts ruled, Plaintiff must show that statute of limitation for claims of discrimination under 42 U.S.C. §§ 1981 and 1983 had not passed before filing a complaint. Similarly, Amaechi was terminated effective November 21, 2001, and he filed his initial complaint on 05/15/2002.

Both parties signed an agreement on June 28, 1995 for various obligations, and Respondents none demonstrated a strict scrutiny for its breach. See Nabozny v. Podlesny (1996), 92 F. 3d 446; 454 (7th Cir.). Consequently, Amaechi did not receive the practical teaching experience in the degree program as was agreed to on June 28, 1995 depriving him of his right to enforce that contract. A deprivation that is liable under 42 U.S.C §§ 1981, 1983, the Equal Protection guaranteed under the Fourteenth Amendment, and under 20 U.S.C. §§ 1703 a & b. It was alleged caused by a person acting under color of state law as to Black v. Barberton Citizens Hosp., (1998); 134 F.3d 1265, 1267 (6th Cir).

(e). ***Claim under Substantive Due Process...***

... A Shock of Conscience – Deprivation of ...

The Petitioner paid for all of the materials (i.e. papers, pens, pencils, ink, computer hardware and software,

printing, bindings, etc) to produce his report (or dissertation) at no financial cost to Respondents. Hence, is his property.

Respondents *can not* deny any part of Amaechi's reports herein: **1).** *"Performance Gap"* is **NOT** a measure of Student Satisfaction. **2).** *"Performance Gap"* is the difference between satisfaction score and importance score obtained with two different scales each with different response choices. **3).** There was no scale with which to measure "Performance Gap". **4).** UK has used measures of "Performance Gap" for policy decisions on education. **5).** Amaechi developed S1-E-S2 model, an adequate alternative to *"Performance Gap"*. **6).** Amaechi's committee received his 2/27/2001 and 4/30/2001 reports, and terminated him on 11/21/2001. Hence, he contends that his termination after his scientific discovery was arbitrary and capricious and shocks the conscience as to *Braley v. City of Pontiac* (1990), 906 F. 2d 220, 224 (6th Cir.). [FN11]. Amaechi contends that a person or committee responsible for his termination did not actually exercise professional judgement as to *Regents of the University of Michigan v. Ewing* 474 U.S. 214 (1985) at 225.

Conclusion

The University of Kentucky claims to comply with state and federal regulations not to discriminate on the basis of race, color, and or national origin. The facts, herein presented along with preponderance of evidence and case laws cited show that Respondent unlawfully discriminated against Amaechi on the basis of his race, color and or national origin, and breached his contract. Hence, Amaechi seeks remedies as stated in Apx. 1. pp. 36-37. He respectfully requests the Supreme Court of the United States to *please* protect his constitutional and civil rights, and to overturn the Order and Judgements of the lower Courts.

CASE NO. 04 - 1091

IN THE

SUPREME COURT OF THE UNITED STATES

CHRISTOPHER N. AMAECHI

Petitioner

v.

UNIVERSITY OF KENTUCKY,
COLLEGE OF EDUCATION et al.

Respondents

ON PETITION FOR A REHEARING OF JUDGEMENT ON CASE NO. 04-1091 IN THE SUPREME COURT OF THE UNITED STATES

APPENDIX

PETITION FOR A REHEARING

Christopher Nnamdi Amaechi
Petitioner
P. O. Box 2371
London, KY 40743-2371
(606) 878-2389

APPENDIX 1

(CASE NO. 04-1091)

PLAINTIFF'S SECOND AMENDED COMPLAINT TENDERD ON 2-14-03 AND FILED ON 2/19/2003 SHOWS THAT HE ALLEGED THAT DEFENDANTS DENIED AND DEPRIVED HIM OF HIS CONSTITUTIONAL AND CIVIL RIGHTS

"IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY AT LEXINGTON

CIVIL ACTION NO. 02-241-JMH
CHRISTOPHER N. AMAECHI

PLAINTIFF

VS. **SECOND AMENDED COMPLAINT**

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION, THE BOARD OF TRUSTEEES FOR THE UNIVERSITY OF KENTUCKY, THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AT THE UNIVERSITY OF KENTUCKY, MICHAEL T. NIETZEL DEAN OF GRADUATE SCHOOL, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY AND RICHARD ANGELO, CHAIR OF THE DEPARTMENT OF EDUCATIONAL

***POLICY STUDIES* AND EVALUATION AND GRADUATE FACULTY MEMBER, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY.**

DEFENDANTS

****

Comes the Plaintiff, Christopher N. Amaechi (hereinafter "Amaechi"), by and through counsel, and for his second Amended Complaint against the Defendants, states as follows:

JURISDICTION AND VENUE

1. That this Court has subject matter jurisdiction over the Amaechi's federal civil rights claims pursuant to 28 U.S.C Section 1331. The court also has supplemental jurisdiction of Amaechi's state law claims pursuant to 28 U.S.C. Section 1367.

2. That Amaechi aver that the individual Defendants, acting singly and in concert, under color of Law, deprived Amaechi of his civil right to equal protection guaranteed under the **Fourteenth Amendment of the United States Constitution,** and to the right to enforce contracts and to the full and equal benefits enjoyed by white citizens of the United States as provided by 42 U.S.C. Section 1981 all in violation of 42 U.S.C. Section 1983.

3. The Amaechi aver that the University of Kentucky, and the College of Education and the Board of Trustees for the University of Kentucky, and the Department of Educational Policy Studies and Evaluation and Michael T. Nietzel, Dean of Graduate School, at time relevant herein and Richard Angelo, Chair of the Department of Educational Policy Studies and Evaluation and the Graduate Faculty

Members deprived Amaechi of his civil rights under color of law, by virtue of said Defendants policies, procedures, practices and/or custom that were the motivational force or affirmative link, that caused the wrongful conduct of this individual. Defendants deprived Amaechi of his civil rights under color of law in violation of 42 U.S.C. Sections 1983. The Defendants terminated Amaechi from his Doctor of Education (Ed. D.) degree program during Amaechi's years of eligibility in the program. The Defendants breached the June 28, 1995 Doctor of Education (Ed. D.) degree program agreement between them and Amaechi in violation of 42 U.S.C. Section 1983.

4. That this court has jurisdiction over Amaechi's state claims of tortious violation of a common law right of fair procedure and tortious interference with the Doctor of Education degree program contract by virtue of 28 U.S.C. Section 1367.

5. That the acts herein complained of occurred within Fayette County, in the state of Kentucky, and Venue of such matters as complained of herein is placed in the United States District Court for the Eastern District of Kentucky at Lexington.

PARTIES

6. That the Amaechi is a Black Naturalized Citizen of the Commonwealth of Kentucky and of the United States of America and is a resident of the State of Kentucky, Laurel County, and resides at 166 Ravenwood Lane, London, Kentucky 40743.

7. That the Defendant University of Kentucky and the College of Education, and The Board of Trustees for the University of Kentucky and the Department of Educational Policy Studies and Evaluation at the University of Kentucky and Dr. Michael T. Nietzel Dean of Graduate School in his

official capacity for the University of Kentucky and Dr. Richard Angelo, Chair of the Department of Educational Policy Studies and Evaluation in his official capacity for the University of Kentucky and Graduate Faculty Member (hereinafter Defendant) is a non-incorporated association of person subject to the jurisdiction of this court pursuant to 28 U.S.C Section 1331, and 28 U.S.C. Section 1367.

8. That the University of Kentucky and the College of Education and the Board of Trustees for the University of Kentucky and the Department of Educational Policy Studies and Evaluation at the University of Kentucky agent for service of process is A. B. Chandler III Attorney General, 118 State Capitol, 700 Capital Avenue, Frankfort, Kentucky 40601.

9. That the Defendant Dr. Richard Angelo in his official capacity as Faculty and then Chair of the Department of Educational Policy Studies and Evaluation can be served at the College of Education, 131 Taylor Education Building, University of Kentucky, Lexington, Kentucky 40506.

10. That Dr. Michael T. Nietzel in his official capacity as Dean of the Graduate School at the University of Kentucky (now Provost) can be served at Office of the Provost, 106 Gillis Building, University of Kentucky, Lexington, Kentucky 40506-0033.

FACTS

11. That on January 12, 1995 Amaechi applied for admission into the EPSE Doctor of Education (Ed. D.) Degree program in the Department of Educational Policy Studies and Evaluation at the University of Kentucky.

12. That on June 28, 1995 both Dr. Richard Angelo (then Director of Graduate Studies) and the Plaintiff (Amaechi) signed the Doctor of Education (Ed. D.) degree

program agreement giving Amaechi the contractual right to pursue the Ed. D. degree.

13. That between June 1995 and Fall 1997 Amaechi met with Dr. Richard Angelo at two different times and asked for permission to register in Dr. Richard Angelo's History of Education Course. Dr. Richard Angelo told Amaechi not to take any of his classes because he (Dr. Richard Angelo) did not believe that Amaechi could make a grade higher than a **"C"** in any of Dr. Richard Angelo's classes. The reason that Dr. Richard Angelo stated for his belief is that Black males do not write well.

14. That during this period, Amaechi reminded Dr. Richard Angelo that the **"EPE Doctoral Program Guidesheet"** encourages each student to take a course from each faculty member before choosing a committee member. Dr. Richard Angelo then told Amaechi that he had no interest in serving on any of Amaechi's committees. Dr. Richard Angelo then recommended to Amaechi to take courses from Dr. John R. Thelin who would be teaching History of Higher Education courses.

15. That in Spring 1997 Amaechi's "Program Plan" was approved by his Program Advisory Committee with Dr. Beth Goldstein serving as the Program Committee Chairperson.

16. That on September 10, 1998 Amaechi passed his "Qualifying Examination". He then received a letter of congratulation dated September 11, 1998 from Dr. Beth Goldstein with a copy of page 18 of the 1996-1998 UK Graduate School Bulletin on time limit for degree completion enclosed. After passing the Qualifying Examination, Dr. Beth Goldstein stepped down, and declined to serve as Amaechi's Dissertation Chairperson. The reason Dr. Goldstein gave to Amaechi for declining to serve as his

Dissertation Chairperson was that Amaechi had earned over 20 graduate hours in Quantitative Research Methods. Dr. Goldstein reminded Amaechi to write his Dissertation with the skills he had developed in this area and that she did not have the expertise in Quantitative Research Methods to guide Amaechi through the Dissertation phase.

17. That between Fall 1998 and October 21, 1999 Amaechi begged many faculty members in the Department of Educational Policy Studies and Evaluation (EPE) to serve as his Major Advisor and or Chair of his Dissertation Advisory Committee. Dr. Jane M. Jensen was new to EPE Department at the time and yet she agreed to serve as Amaechi's Dissertation Committee Chair. The Graduate School had told Amaechi that Dr. Jensen must co-chair a Dissertation Committee with a full Graduate Faculty Member. No person in the Department of EPE agreed to co-chair Amaechi's Doctoral Dissertation Advisory Committee with Dr. Jane M. Jensen, and subsequently, she stopped helping Amaechi.

18. During this period, Dr. John Harris III (an African-American) faculty member in the Department of Educational Administration and Supervision who was serving on Amaechi's Program Committee at that time agreed to co-chair Amaechi's Dissertation Committee with any faculty member in the EPE Department. No one in the Department of Educational Policy Studies and Evaluation (EPE) agreed to co-chair Amaechi's Dissertation Advisory Committee with Dr. John Harris III.

19. That Dr. Richard Angelo became the Chair of the Department of Educational Policy Studies and Evaluation (EPE). Dr. Richard Angelo required Amaechi to explore 12 different dissertation topics, write a page summary of each topic, and defend each topic before him and Dr. Emmanuel Okorli a non tenured professor who was black. Dr. Richard

Angelo's reason for requiring Amaechi to explore 12 different dissertation topics and defend each was an unusual practice in the EPE Department and was because Amaechi was black and because Amaechi was trying to enforce his rights to enforce contract and to enjoy the same rights, privileges and benefits as white citizens pursuant to 42 U.S.C. Sections 1981.

20. That Amaechi did exactly what he was told to do. Dr. Richard Angelo chose a topic on "Comparing the Relationships between Astin's (1984) Principles of "Involvement" and Mulkey's (1993) Principle of "Socialization": A Closer Look at Student Experience in Extracurricular Activities. That Amaechi then began to develop a dissertation proposal on the topic.

21. That Dr. Angelo told Amaechi that since no person in the Department of Educational Policy Studies and Evaluation had agreed to serve as Amaechi's Major Professor and or Chair of Amaechi's Dissertation Advisory Committee, then he (Dr. Richard Angelo) will chair Amaechi's Dissertation Advisory Committee as the Chair of the Department of Educational Policy Studies and Evaluation **and Amaechi said no.**

22. That Dr. Richard Angelo and Dr. Alan J. DeYoung each separately told Amaechi that Amaechi will have difficulties graduating from the EPE Department if Dr. John Harris III (African-American) continued to serve on Amaechi's committee. The reason both Professors Angelo and DeYoung gave to Amaechi for not wanting Dr. John Harris III on Amaechi's committee was that Dr. John Harris III had issues with the EPE Department when he was the Dean of the College of Education. **Amaechi believes that white students enjoy the benefit of white professors serving on their committees.**

23. That Amaechi shared Dr. Richard Angelo's, remarks about Dr. John Harris III, and Dr. Alan J. DeYoung's remarks about Dr. John Harris III with Dr. John Harris III. Dr. John Harris III then replied that if his membership on Amaechi's committee will prevent Amaechi from graduating from the Department of Educational Policy Studies and Evaluation (EPE) that he (Dr. John Harris III) decided to remove himself from Amaechi's committee. That at that time period, Dr. John Harris III was helping Amaechi to obtain survey instruments from Dr. John Bean and Dr. George Kuh of Indiana University Bloomington, Indiana for a study Undergraduate Student Satisfaction at UK.

24. That on February 24, 1999 Amaechi applied for a Teaching Assistantship position in the Department of Educational Policy Studies and Evaluation (EPE).

25. That on April 9, 1999 Dr. Richard Angelo hired a less qualified white candidate for the Teaching Assistantship position in EPE Department over Amaechi.

26. That on **July 17, 1999** Amaechi wrote a Memorandum to Dr. Michael T. Nietzel as an official request for a Major Advisor to Chair Amaechi's Dissertation Advisory Committee.

27. That on *May 5, 1999* Dr. John R. Thelin declined a request from Dr. Douglass S. Kalika (Associate Dean of the Graduate School) dated *April 22, 1999* to serve as a Major Professor and a Dissertation Chair for Amaechi, and a written letter of acknowledgement of Dr. John R. Thelin by Amaechi dated *May 3, 1999* in which Amaechi accepted Dr. John R. Thelin as a Major Professor and Committee Chair.

28. That on **May 21, 1999** Dr. Robert Shapiro (Associate Dean of the College of Education) wrote a letter to Amaechi reminding him that he was making efforts to find

a person in the Department of EPE to Chair Amaechi's Dissertation Advisory Committee.

29. That on or about July 17, 1999, Amaechi met with Dr. Michael T. Nietzel in his office in Patterson Office Towers and shared the discouraging, demeaning, and dehumanizing experiences he (Amaechi) was receiving from Dr. Richard Angelo. That in a previous meeting between Amaechi and Dr. Michael T. Nietzel on or about July 7, 1999 Amaechi appealed to Dr. Nietzel to appoint Dr. Edward (Skip) Kifer as a Chairperson for Amaechi's Dissertation Committee since Dr. Edward (Skip) Kifer was aware of the concept, methods, and expositions that Amaechi was using for the dissertation research project. Dr. Michael T. Nietzel then told Amaechi that Dr. Edward (Skip) Kifer does not chair or co-chair anyone's dissertation committee. At the meetings on or about July 7, 1999 and July 17, 1999 with Dr. Michael T. Nietzel, Amaechi **requested not to have Dr. Richard Angelo on his committee** for the reasons Amaechi had addressed in his letters to Dr. Richard Angelo **dated July 7, 1999 and July 24, 1999.**

30. That at the end of each meeting with Dr. Michael T. Nietzel on about July 7, 1999, and July 17, 1999 Dr. Michael T. Nietzel told Amaechi to visit with Dr. Edward (Skip) Kifer again and ask him to serve as a Chairperson for Amaechi's Dissertation Committee. Amaechi went back to Dr. Edward (Skip) Kifer and asked him and begged him to serve as his dissertation chairperson and asked if he could co-chair Amaechi's dissertation committee with someone. Dr. Edward (Skip) Kifer declined to either chair Amaechi's Dissertation Committee and or to co-chair Amaechi's Dissertation Committee with someone.

31. That on July 7, 1999 Amaechi wrote a letter to Dr. Richard Angelo expressing fear of retaliation from the Department of Educational Policy Studies and Evaluation

since Amaechi had already told Dr. Michael T. Nietzel the sufferings Dr. Richard Angelo was subjecting Amaechi to in the absence of a Dissertation Chairperson.

32. That on July 22, 1999 Dr. Richard Angelo replied Amaechi's letter to him dated July 7, 1999 and alleged that "Amaechi had rejected more than one faculty member in the Department of Educational Policy Studies and Evaluation as an advisor...". The allegation caused Amaechi much grief because it was false.

33. That on **July 24, 1999** Amaechi wrote a letter to Dr. Richard Angelo expressing concerns about various forms of humiliating experiences that Amaechi was continuing to receive from Dr. Richard Angelo. Amaechi ended the letter by stating thus: "Overall, I do not feel safe with you as my advisor...". Amaechi mailed a copy of the letter to Dr. Michael T. Nietzel and hand delivered a copy of the letter to other deans as well.

34. During this period, Amaechi made an appointment with Dr. Robert Shapiro (Acting Dean of the College of Education) asking for assistance to minimize the hostility against Amaechi in the Department of EPE. Dr. Robert Shapiro informed Amaechi that he had spoken with Dr. Richard Angelo about the charges Amaechi had made in the July 24, 1999 letter against Dr. Angelo. According to Dr. Shapiro, Dr. Richard Angelo told him (Dr. Robert Shapiro) that he was trying to motivate Amaechi.

35. That on **October 22, 1999** Dr. Michael T. Nietzel (Dean of the Graduate School) appointed Dr. Richard Angelo to Chair Amaechi's Dissertation Advisory Committee despite Amaechi's strong opposition to the appointment of Dr. Richard Angelo on Amaechi's Dissertation Advisory Committee.

36. That on about March 23, or 24 1999 members of Amaechi's program committee (i.e. Informal Dissertation Committee without a formal Dissertation Committee Chair for the Plaintiff) did not allow the Plaintiff (Amaechi) to fully develop the Dissertation Proposal on Exploring the Relationships between Astin's (1984) Principles of Involvement and Mulkey's (1993) Principles of Socialization..." because the Plaintiff did not present to them a copy of the Astin's (1984) Survey Instrument. That in Spring 2000 Amaechi's Dissertation Committee met, and refused to recommend a defense of the Amaechi's Dissertation Proposal Titled: "Exploring the Relationships between the Astin's (1984) Principles of Involvement and Mulkey's (1993) Principles of Socialization: A Closer Look at Student Experiences in Extracurricular Activities" for Dissertation Proposal Defense. Their reason was that Amaechi did not obtain copies of the Survey Instrument that Astin (1984) had used in his development of the "Theory of Involvement". The committee then told Amaechi to develop a different research topic.

37. That during this time period, Dr. John Harris III encouraged Amaechi to use him as a reference in requesting for Survey Instruments from Dr. John Bean and Dr. George Kuh of Indiana University Bloomington, Indiana with which to develop a different research topic. That Amaechi's Dissertation Committee members in the EPE Department subsequently advised Amaechi to use the existing Student Satisfaction survey data that Dr. Connie A. Ray had collected at UK with the Noel-Levitz (1994) Student Satisfaction Inventory. That during this time period, Dr. Richard Angelo then told Amaechi to not consult with him on matters concerning the concepts, methods and expositions that Amaechi would be using in planning and organizing the survey data and in the dissertation writing.

38. That Dr. Richard Angelo delegated his responsibilities for helping Amaechi with concepts, methods, and exposition to Dr. Edward (Skip) Kifer and to Dr. Thomas Janoski. The reason Dr. Richard Angelo gave to Amaechi to see Dr. Kifer and Dr. Janoski for matters concerning the concepts, methods, and expositions was that he Dr. Angelo is a Historian and does not use Quantitative Research Methods.

39. That Amaechi continued to meet with Dr. Edward (Skip) Kifer and Dr. Thomas Janoski on matters associated with concepts, methods, and expositions as Dr. Richard Angelo had instructed Amaechi to do.

40. That on or about **October 11, 2000,** the Plaintiff (Amaechi) successfully defended his Dissertation Proposal topic titled: "Undergraduate Student Satisfaction with Perceived Experiences from Academic Services (AS) and the Non-Academic Services (NAS) at the University of Kentucky" before his Dissertation Advisory Committee and on the first trial. That on **October 13, 2000**, Dr. Richard Angelo sent a Memorandum to the Plaintiff (Amaechi) and congratulated the Plaintiff for a successful defense of the dissertation proposal titled: "Undergraduate Student Satisfaction with Perceived Experiences from the Academic Services (AS) and the Non-Academic Services (NAS) at the University of Kentucky. In the letter Dr. Angelo advised the Plaintiff to seek advice from Professors Janoski and Kifer about the best ways to organize and manipulate the Plaintiff's survey data. That on **October 16, 2000** the Plaintiff addressed a letter to Dr. Richard Angelo in which Plaintiff (Amaechi) summarized his understandings of the Committee's recommendations about the best ways to proceed with the dissertation research and gave the letter to Dr. Richard Angelo.

41. That after Amaechi had submitted the results of the "Reliability Coefficients" of the Satisfaction Scale and of the "Missing Data" on the Satisfaction Items to Dr. Edward (Skip) Kifer, Dr. Kifer then told Amaechi to proceed with data analysis, interpretations of data and with the dissertation writing.

42. That as Amaechi was analyzing the rest of the data, interpreting the findings, and writing the dissertation, he made every effort to show to Dr. Edward (Skip) Kifer the actual results of the various types of analysis Amaechi had done. During this period, Dr. Edward (Skip) Kifer refused to look at more of Amaechi's actual findings or at the methods, concepts and expositions that Amaechi was using except to read the completed dissertation abstract dated February 27, 2001.

43. That no faculty member in the Department of Educational Policy Studies and Evaluation (EPE) either reviewed results of Amaechi's work except the result of Missing Data and of the Reliability Coefficient of the Satisfaction Scale by Dr. Edward (Skip) Kifer. No faculty member in the EPE Department provided Amaechi with a specific guidance with respect to the concepts, methods, and expositions that Amaechi was using during this period. Even then, Amaechi asked for specific guidance from Members of his Advisory Committee in the EPE Department but they chose not to give Amaechi specific guidance but global.

44. That on **February 27, 2001** Amaechi submitted the first draft of his dissertation to members of his Dissertation Advisory Committee. That on February 27, 2001 Dr. Richard Angelo advised Amaechi *to order Doctoral Cap and Gown from UK Bookstore for May 2001 Graduation.* That on February 27, 2001 Amaechi asked Members of his Advisory Committee in the EPE Department for direct guidance on data analysis, methods, concepts and

the expositions he used in writing the first draft of the dissertation, they chose not to give direct guidance to Amaechi.

45. That between **May 7, 2001 and May 15, 2001** the Plaintiff (Amaechi) made telephone calls to some members of his Dissertation Committee after submitting the second draft of the dissertation dated April 30, 2001 to members of his Dissertation Advisory Committee, and asked to know what needed to be corrected in second draft of the Dissertation that the Plaintiff submitted to his committee on April 30, 2001, and because **the Plaintiff was not allowed to defend his dissertation and did not graduate in May 6, 2001 as was proposed by Amaechi and approved by the committee.** At this time Dr. Richard Angelo returned Amaechi's call and told Amaechi that he (Dr. Angelo) had read the second draft of the dissertation and was waiting to get the opinions of other members of the committee. Amaechi then asked Dr. Richard for his opinions of the second draft of Amaechi's dissertation and Dr. Angelo refused to give his opinion.

46. That on **May 14, 2001** Amaechi was then ready to re-write the second draft of the dissertation. Subsequently, he wrote a letter to Dr. Richard Angelo dated May 14, 2001 asking to know the specific problems that needed to be corrected in the second draft of the dissertation...

47. That on May 14, 2001 Dr. Angelo called Amaechi at his home in London, Kentucky and told him that the Committee would like to meet with him on *May 16, 2001 at 1:30 p.m. to give him guidance on the second draft of the dissertation.* Amaechi was excited about the meeting and invited the Pastor of his Church, Lynn Dotson to go with him to the meeting. At the meeting Amaechi received from Dr. Angelo a letter of recommendation by members of Amaechi's dissertation Advisory Committee in EPE to

terminate Amaechi's EPE program. Whites were permitted to remain in the program.

48. That the committee alleged in their letter to Amaechi dated **May 14, 2001** that Amaechi failed to incorporate in the second draft of the dissertation, the concept, method, and exposition recommended by the Advisory Committee. At that moment, Amaechi began to cite the various page numbers in the second draft of the dissertation where he had incorporated various concepts, methods, and expositions that the Advisory Committee had requested him to incorporate into the second draft of the dissertation.

49. That Dr. Kifer then told Amaechi at the meeting on May 16, 2001 to provide them with a written statement citing the page numbers in the second draft of the dissertation where Amaechi had incorporated the concepts. expositions and methods so that the committee may review and perhaps rethink their initial decision.

50. That Amaechi did what the committee had requested. In addition, Amaechi requested from his committee to please review his data analysis, methods, and expositions with him.

51. That on May 21, 2001 Amaechi provided a letter to members of his Dissertation Advisory Committee citing the page numbers of the second draft of the dissertation where he had incorporated the concepts, methods, and expositions as the committee recommended from their readings of the initial abstract of Amaechi's dissertation dated February 27, 2001. That by May 21, 2001 the University of Kentucky and the Department of EPE had already graduated Amaechi from the Doctor of Education (Ed. D.) degree program and subsequently recommended

Amaechi's termination from the same Doctor of Education (Ed. D.) degree program.

52. That on June 4, 2001 Christopher Amaechi responded to Dr. Edward (Skip) Kifer's telephone questions about the concepts, methods and expositions Christopher used in obtaining the Reliability Coefficient of the Satisfaction scale. That on June 10, 2001 Dr. Edward (Skip) Kifer responded to Amaechi's letter in rather a harsh manner.

53. That on August 31, 2001 a letter from Dr. Beth Goldstein to Amaechi expressed that the Graduate Faculty in the Department of Educational Policy Studies and Evaluation (EPE) upheld the decision of Amaechi's Dissertation Advisory Committee to terminate Amaechi's program of study in the Department of Educational Policy Studies and Evaluation. That Amaechi has not received a copy of the EPE Graduate Faculty's vote for or against Amaechi's termination from the EPE Doctoral degree program.

54. That on November 9, 2001 upon the recommendation of Dr. Beth Goldstein in her letter to Amaechi dated August 31, 2001, Amaechi appeared before the Graduate Faculty in the Department of Educational Policy Studies and Evaluation (EPE). At that meeting on November 9, 2001, Amaechi asked the Graduate Faculty in EPE to please tell him the reason for their decision to uphold the recommendations of Amaechi's Advisory Committee to terminate Amaechi's program of study.

55. That at the meeting between Amaechi and the EPE Graduate Faculty on November 9, 2001, the Graduate Faculty in EPE chose not to give to Amaechi any reason for upholding Amaechi's Advisory Committee's decision to terminate Amaechi's program of study. That Amaechi asked the EPE Graduate Faculty to please explain to him why the

EPE Graduate Faculty wrote a dissertation for a white gay man who died of Aids and graduated him from the EPE program after his death but refuses to guide Amaechi's research and study to its completion. That at the meeting on November 9, 2001 the EPE Graduate Faculty refused to answer any question that Amaechi was asking them concerning their decision to terminate him from his EPE doctoral degree program. That Hon. Linda West accompanied Amaechi to that meeting on November 9, 2001.

56. That on November 21, 2001, Amaechi received a letter from the Acting Dean of the Graduate School (Dr. Douglass S. Kalika) indicating that Amaechi's enrollment and candidacy at the University of Kentucky were terminated effective immediately. The EPE Department and the University of Kentucky had already graduated Amaechi from the Doctor of Education (Ed. D.) degree program prior to the November 21, 2001 letter of termination. The Dean of the Graduate School cited page 18 of the 2000-2002 UK Graduate School Bulletin on General Regulation of the University of Kentucky, and the EPE Graduate Faculty member's recommendations to him as his reference guide for his decision to terminate Amaechi's enrollment and candidacy in the Doctor of Education (Ed. D.) degree program. That Amaechi was not given any copy of the recommendation of the EPE Graduate Faculty given to the Dean of the Graduate School (Dr. Douglass S. Kalika) for upholding the termination of Amaechi from the EPE degree program.

57. That on November 30, 2001, Christopher Amaechi wrote a letter to the President of the University of Kentucky (Dr. Lee Todd) reminding the President about Amaechi's Constitutional Rights protected by provisions of the 14th Amendment of the U. S. Constitution (i.e. denial of

Amaechi's due process rights) violated by the EPE Department. Amaechi asked for the President's intervention in the matter.

58. That at the time of Amaechi's termination from the Doctor of Education (Ed. D.) degree program at the University of Kentucky, his years of eligibility in the Doctor of Education (Ed. D.) degree program at the University of Kentucky were still current. Simply, the Defendants breached their contract with Amaechi.

59. That Amaechi earned 71 graduate hours, 263 quality points, and a cumulative GPA of 3.704/4.0 between 1995 and 1997 all at the University of Kentucky. He successfully passed his Qualifying Examination in 1998. He successfully completed his Residency Requirements. He wrote his Dissertation Proposal, and successfully defended the Dissertation Proposal. That effective December 20, 2000 the University of Kentucky Institutional Review Board (IRB) awarded Amaechi's Dissertation Proposal an "Exemption Certification" and gave Amaechi five years to complete the project that was subject to renewal thereafter. Amaechi was recommended for termination on May 14, 2001 and had not used up his ***five years*** of eligibility requirements following September 10, 1998 after passing the Qualifying Examination as so stated in the General Regulation of the UK Graduate School Bulletins. ***Five years*** were also approved following the December 20, 2000 IRB approval, yet he was terminated effective November 21, 2001.

60. That the fact stated herein constitute a violation of 42 U.S.C. Section 1981 which give Amaechi the right to make and enforce contract and enjoy the same benefits as white citizens and to not be treated differ because he exercise said civil right. Simply, the defendant's actions also constitute retaliation against Amaechi for trying to enforce contract right in violation of 42 U.S.C. Section 1981. That

the defendants also discriminated against Amaechi when they denied him the benefits of his Doctor of Education (Ed. D.) degree and allowed other citizens to either graduate from the EPE Doctoral degree program or to continue in the program after terminating Amaechi from the same EPE Doctoral degree program in violation of 42 U.S.C. Section 2000d.

61. That the foregoing facts establish that Dr. Richard Angelo under color of law departed from the procedural norms, which constitute purposeful or intentional discrimination because of Amaechi's race and or national origin which is African-American and/or a pattern of practice against Amaechi because he was trying to enforce his rights under 42 U.S.C. Section 1981.

STATE CLAIM —BREACH OF CONTRACT

62. That Amaechi reiterates and incorporates the facts contained in paragraph 1 through 61 of this second Amended Complaint as if set out at length herein.

63. That the University of Kentucky Graduate School Bulletins, page 7, state in relevant part as follows; "Full members of the Graduate Faculty are particularly responsible for: 1. Guidance of graduate student research and study to its completion". That the University of Kentucky 2000-2002 Graduate School Bulletin, page 24, states in relevant part as follows; "The Major Professor is the primary source of guidance in the planning and preparation of the dissertation".

64. That the University of Kentucky 1996-1998 Graduate School Bulletin, page 18, states in relevant part gave Amaechi five years following the semester or summer session in which Amaechi successfully completed his qualifying examination. Said Bulletin further states that "in the event that all degree requirements are not met during the

five-year period, degree candidates who provide evidence of the likelihood of completion of the degree during an extension of time may be granted such an extension by the Graduate Council". Simply, after the completion of the first five years Amaechi could have been granted an additional five years to complete his doctorate degree requirements.

65. That the University of Kentucky Graduate School Bulletins create an enforceable contract between the Defendants and Amaechi if not an "implied in fact" contract between the parties. That the Doctor of Education (Ed. D.) degree program agreement form signed by both parties on June 28, 1995 and the relevant terms and conditions of the degree program agreement in the University of Kentucky Graduate School Bulletins create an enforceable contract between the parties.

66. That subsequent to September 10, 1998 (the date that Amaechi passed his Qualifying Examination) the Graduate Faculty in the Department of Educational Policy Studies and Evaluation serving on his Dissertation Advisory Committee had a duty to Guide Amaechi's dissertation research and study to its completion.

67. That from Fall 1998 to October 21, 1999 Amaechi begged faculty members in the Department of Educational Policy Studies and Evaluation (EPE) to chair his dissertation committee. That Dr. Jane M. Jensen was new to the EPE Department at the time and yet agreed to serve as Amaechi's dissertation chair. That the Acting Dean of the Graduate School (Dr. Douglass S. Kalika) told Amaechi that Dr. Jensen must co-chair a dissertation with a Full Graduate Faculty Member in the Department of Educational Policy Studies and Evaluation (EPE). No person in the EPE Department agreed to co-chair Amaechi's Dissertation Committee with Dr. Jane M. Jensen and she stopped helping Amaechi.

68. That during this period Dr. John Harris III (in the Department of Educational Administration and Supervision) was serving on Amaechi's Committee and he agreed to co-chair Amaechi's Dissertation Committee with any faculty member in the Department of Educational Policy Studies and Evaluation willing to work with him in that capacity. Neither Dr. Jane M. Jensen nor anyone else in the Department of Educational Policy Studies and Evaluation agreed to co-chair Amaechi's Dissertation Committee with Dr. John Harris III.

69. That on or about May 5, 1999, Dr. John R. Thelin (a full member of the Graduate Faculty) declined a request from Dr. Douglass S. Kalika (Associate Dean of the Graduate School) to serve as Amaechi's Major Professor and Committee Chair.

70. That on or about July 17, 1999 Amaechi met with Dr. Michael T. Nietzel in his office in Patterson Office Towers and shared the discouraging, demeaning, and dehumanizing experiences he (Amaechi) was receiving from Dr. Richard Angelo. That on or about July 7, 1999 and July 17, 1999 Amaechi appealed to Dr. Michael T. Nietzel (Dean of the Graduate School) to appoint Dr. Edward (Skip) Kifer (a full member of the Graduate faculty) as a Chairperson for Amaechi's Dissertation Advisory Committee since Dr. Kifer was aware of the concepts, methods, and expositions that Amaechi was using for the dissertation research. Dr. Nietzel told Amaechi that Dr. Edward (Skip) Kifer does not chair or co-chair anyone's dissertation committee. At the meetings on or about July 7 1999 and July 17 1999 between Amaechi and Dr. Michael T. Nietzel, Amaechi requested not to have Dr. Richard Angelo on his Committee for reasons Amaechi had shared in his letters to Dr. Richard Angelo dated July 7, 1999, and July 24, 1999.

71. That after the July 7, 1999 meeting between Amaechi and Dr. Michael T. Nietzel, Amaechi went back to

Dr. Edward (Skip) Kifer again and asked him and begged him to serve as his Dissertation Committee Chairperson. Again, Dr. Kifer refused to serve as Amaechi's Dissertation Committee Chairperson.

72. That on or about July 17, 1999 Amaechi wrote a Memorandum to Dr. Michael T. Nietzel (Dean of the Graduate School and a full member of the Graduate Faculty) requesting for a Major Professor and a Dissertation Advisory Committee.

73. That on or about October 22, 1999 (approximately thirteen (13) months after Amaechi had passed his Qualifying Examination) Dr. Michael T. Nietzel appointed Dr. Richard Angelo to serve as a Major Professor for Amaechi and his Dissertation Committee Chair. That before Dr. Michael T. Nietzel appointed Dr. Angelo to serve as Amaechi's Major Professor and Chair of Amaechi's Dissertation Committee, Dr. Michael T. Nietzel had already received a copy of a letter from Amaechi to Dr. Richard Angelo dated **July 24, 1999** in which Amaechi stated that he did not want Dr. Richard Angelo as an Advisor. Yet, Dr. Michael T. Nietzel appointed Dr. Richard Angelo to chair Amaechi's Dissertation Advisory Committee against Amaechi's will. In a letter from Dr. Richard Angelo to Amaechi dated July 22, 1999 Dr. Richard Angelo wrote in relevant part: "If you are unable to settle on an advisor soon, than as department chair I will step into the **breach.**" That in effect Dr. Angelo's letter to Amaechi dated July 22, 1999 was an admittance of a breach in the degree program agreement between both parties.

74. That on or about March 23, or March 24 1999 members of Amaechi's Program Committee (i.e. Informal Dissertation Committee – without a formal Dissertation Committee Chair for the Plaintiff) did not allow the Plaintiff (Amaechi) to fully develop the dissertation Proposal on

Exploring the Relationships between Astin's (1984) Principles of Involvement and Mulkey's (1993) Principles of Socialization..."; because the Plaintiff did not present to the committee a copy of the Astin's (1984) Survey Instrument. That in Spring 2000 Amaechi's Dissertation Advisory Committee met and refused to recommend for dissertation proposal defense, the Amaechi's Dissertation Proposal Titled: "Exploring the Relationships between the Astin's (1984) Principles of Involvement and Mulkey's (1993) Principles of Socialization: A Closer Look at Student Experiences in Extracurricular Activities". Their reason was that Amaechi did not have the survey instrument that Astin (1984) had developed and used for his study.

75. That subsequently, Amaechi obtained a different survey instrument from Dr. John Bean (Professor of Higher Education) at Indiana University, Bloomington Indiana to collect data for the topic on: "Undergraduate Student Satisfaction with Experiences from Academic Services (AS) and the Non-Academic Services (NAS) at the University of Kentucky". That members of Amaechi's Dissertation Committee in the EPE Department then required Amaechi to use the existing data at UK on Undergraduate Student Satisfaction collected by Dr. Connie A. Ray (1997) with the Noel-Levitz (1994) Student Satisfaction Inventory rather than collect new survey data with Dr. John Bean's Survey Instrument.

76. That subsequently, Dr. Angelo told Amaechi to not consult with him on matters concerning the concepts, methods, and expositions that Amaechi was using because he (Dr. Richard Angelo) is a Historian and does not use Quantitative Research Methods.

77. That Dr. Edward (Skip) Kifer reviewed only the results of Reliability Coefficient of the Satisfaction Scale and of the Frequency Analysis of the Missing data obtained by

Amaechi. That no full faculty member in the Department of Educational Policy Studies and Evaluation reviewed any other actual results of Amaechi's work or provided guidance with regard to the concepts, methods, and expositions that Amaechi was using during this period except to read Amaechi's dissertation abstract dated February 27, 2001. Even then Amaechi asked for guidance from his Advisory Committee members in EPE but they refused to give direct guidance to Amaechi.

78. That on February 27, 2001 Amaechi submitted the first draft of his dissertation to members of his Dissertation Advisory Committee. That on February 27, 2001 Dr. Richard Angelo told Amaechi to order Doctoral Cap and Gown from the UK Bookstore for the May 2001 graduation. That even though Amaechi asked his Advisory Committee members in EPE to review the data analysis, methods, concepts, and the expositions Amaechi was using, the EPE Committee members did not give Amaechi direct guidance. They continued to tell Dr. Angelo what they wanted Amaechi to do. That Dr. Richard Angelo continued to give to Amaechi his own summary of the Committee's recommendations.

79. That Dr. Thomas Janoski (Professor in the Department of Sociology) at the University of Kentucky and outside the EPE Department and a member of Amaechi's Dissertation Advisory Committee reviewed some survey results of Amaechi's work during this period. Dr. Janoski was the only faculty member who gave Amaechi any specific and/or direct guidance as Amaechi was writing the dissertation.

80. That on April 30, 2001 Amaechi finished writing the second abstract of the dissertation in which he incorporated the recommendations of his Dissertation Advisory Committee from their reading of the first

dissertation abstract dated February 27, 2001 and submitted the second abstract of the dissertation to the committee dated April 30, '01.

81. That between May 7, 2001 and May 15, 2001 the Plaintiff made telephone calls to some members of his Dissertation Committee and asked to know what needed to be corrected in the Second Abstract of the Dissertation that the Plaintiff submitted to his committee on April 30, 2001. The Plaintiff did not graduate in May 6, 2001 as was proposed by the Plaintiff and approved by the committee. At this time Dr. Richard Angelo returned Amaechi's call and told Amaechi that he had read the second draft of the dissertation and was waiting to get the opinions of other members of the committee. Amaechi asked Dr. Richard Angelo for his opinions of the second draft of the dissertation and Dr. Angelo refused to give Amaechi his opinion.

82. That on May 14, 2001 Amaechi was then ready to re-write the second draft of the dissertation and wrote a letter to Dr. Angelo asking to know the specific problems that needed to be corrected in the second draft of the dissertation. That Dr. Richard Angelo told Amaechi on May 14, 2001 to come to a meeting he scheduled for Amaechi on May 16, 2001 to receive guidance on the second draft of the dissertation draft from members of Amaechi's Advisory Committee.

83. That on May 16, 2001 Amaechi received a letter from Dr. Richard Angelo dated May 14, 2001 in which Amaechi's Dissertation Advisory Committee recommended termination of Amaechi's EPE program. Subsequently, Dr. Richard Angelo received a letter from Amaechi dated May 14, 2001 in which Amaechi requested for guidance.

84. That the full members of the Graduate Faculty in the EPE Department breached their duty to guide Amaechi's research and study to its completion.

85. That the full members of the Graduate Faculty in the EPE Department's failure or refusal to guide Amaechi's research and study to its completion was intentional act designed to terminate Amaechi from the EPE Doctoral degree program.

86. That immediately following the meeting between Amaechi and his Advisory Committee on May 16, 2001, Amaechi asked Dr. Thomas Janoski for his opinions about the dissertation abstracted. That Dr. Thomas Janoski then told Amaechi that the second draft of Amaechi's dissertation abstract dated April 30, 2001 was between sixty percent (60%) and seventy-five percent (75%) completed.

WHEREFORE, the Plaintiff Amaechi demands as follows:

1. Judgement against the defendants for actual damages, including loss of benefits.
2. Trial by jury.
3. Compensatory damages in excess of $2,000,000.00.
4. For an Order requiring the defendants to allow Amaechi to receive his Doctor of Education (Ed. D.) degree from the EPE program at the University of Kentucky under an entirely new committee.
5. Award Amaechi cost and expenses of this action including attorney fees.
6. Award Amaechi such other or alternative relief,

both legal and equitable, as the court deems just and proper.

7. A court order that any further retaliation by the defendants and or by agents of the defendants will be subject to further litigation.
8. Any further retaliation by the Defendants, or by agents of the Defendants, against the Plaintiff, and or against any member of the Plaintiff's family, and or against the Plaintiff's Attorney and or against any individual who supports the Plaintiff in this case will be subject to litigation.

H. WAYNE ROBERTS
Attorney for Plaintiff, AMAECHI
139 Market Street
Lexington, Kentucky 40507
Phone: (859) 255-7761
Fax. (859) 255-0011

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing **Second Amended Complaint** was served upon the defendants by hand delivery to:

Hon. Robert L. Roark
WALTHER, ROARK, GAY & TODD

163 E. Main, Suite 200
Lexington, Kentucky 40507
Attorney for University of Kentucky
and mailed to
Dr. Richard Angelo
College of Education
131 Taylor Education Building
Lexington, Kentucky 40506

Dr. Michael T. Nietzel
Office of the Provost
106 Gillis Building
University of Kentucky
Lexington, Kentucky 40506-0033

this _____day _____2003

_____
H. WAYNE ROBERTS"

APPENDIX 2

(CASE NO. 04-1091)

CIVIL DOCKET FOR CASE #: 5:02-CV-00241-JMH

"U.S. District Court
Eastern District of Kentucky (Lexington)

CIVIL DOCKET FOR CASE #: 5:02-CV-00241-JMH

...Plaintiff

Christopher N. Amaechi

represented by **H. Wayne Roberts**

ANGGELIS, GORDON & SIMPSON
139 Market Street
Lexington, KY 40507
859 –255-7761
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

University of Kentucky, College of Education, et al.

represented by Christopher Dane Frederick

Robert L. Roark

Erica Leigh Keenan

WALTHER, **ROARK,** GAY & TODD, P.L.C.
163 E. Main Street, Suite 200
P. O. Box 1598
Lexington, KY 40507
859-225-4714
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Filing Date	Num #	Docket Text
05/15/2002	1	COMPLAINT (3 summonses issued) Fee Pd $150.00. Receipt #099360 (CBD) [Entry Date 05/16/2002]
06/04/2002	2	AMENDED COMPLAINT [1-1] by plaintiff Christopher N. Amaechi, plaintiff Michael T. Nietzel; jury demand (DC) [Entry Date 06/04/2002
06/05/2002	3	AGREED ORDER by Judge Joseph M. Hood. It is hereby AGREED, ORDERED & ADJUDGED as follows: 1) deft UK (including all depts, divisions & subparts named as defts in this matter) shall have until & through the close of business on Monday, 6/24/02 w/in which to file its responsive pleading to pltff's complaint (cc: all counsel) [EOD Date: 6/5/02] (DC) [Entry Date 06/05/2002]
06/24/2002	4	ANSWER by dfts UK, Michael T. Nietzel, Richard Angelo to amd comp [2-1], & to cmp [1-1] (KJR) [Entry Date 06/25/2002]
08/28/2002	5	ORDER FOR MEETING AND REPORT by Judge Joseph M. Hood counsel to conduct meeting by 9/18/02; exchange discl; & FILE written JOINT REPORT by 9/28/02;

		(cc: all counsel) [EOD Date: 8/28/02] (KJR) [Entry Date 08/28/2002]
09/23/2002	6	REPORT OF PARTIES PLANNING MEETING (KJR) [Entry Date 09/23/2002]
09/25/2002	7	ORDER by Judge Joseph M. Hood (1) REFERRED to Mag Judge Todd for discovery disputes; (2) REFERRED for settlement processes; (3) amend mtns ddl 1/30/03; (4) discovery ddl 4/30/03; (5) dispositive mtn ddl 6/1/03; (6) exp witnesses - pla 12/1/02-dft 1/7/03 – supplemental rpts by 3/30/03; (7) mtns in limine ddl 7/1/03; (8) REFERRED for PT CONF; (9) pretrial filings due 1 wk before pt conf set by Mag Judge Todd; (10) PT CONF set for 10:00 10/6/03; (11) JURY TRIAL set for 9:00 11/4/03 (cc: all counsel) [EOD Date: 9/25/02] (KJR) [Entry Date 09/25/2002]
10/25/2002	8	ORDER by Judge Joseph M. Hood memos to be submitted in read only format (cc: all counsel) [EOD Date: 10/30/02] (JM) [Entry Date 09/25/2002]
01/30/2003	9	MOTION by Christopher N. Amaechi to amend scheduling ord & file 2nd amd comp (KJR) Modified on 02/19/2003
02/13/2003	10	RESPONSE by dfts to pla's motion to amend scheduling ord [9-1] (KJR)

		[Entry Date 02/13/2003]
02/14/2003		PROPOSED Second Amended Complaint tendered by Christopher N. Amaechi (KJR) [Entry Date 02/14/2003]
02/19/2003	11	ORDER by Judge Joseph M. Hood GRANTING pla's to amend scheduling ord & file 2nd amd comp [9-1] - the Scheduling Ord is modified to give parties until 2/14/03 to amd plds & the pla's Second Amd Comp is hereby FILED (cc: all counsel) [EOD Date: 2/19/03] (KJR) [Entry Date 02/19/2003]
02/19/2003	12	SECOND AMENDED COMPLAINT by Christopher N. Amaechi; jury demand (KJR) [Entry Date 02/19/2003]
02/24/2003		Text not available. [Entry Date 02/25/2003]
02/24/2003	13	ANSWER by UK, UK Board of Trustees, UK, Michael T. Nietzel, Richard Angelo to [12-1] 2nd Amd Comp (KJR) [Entry Date 02/25/2003]
04/29/2003	14	MOTION to Modify Scheduling Order by Christopher N. Amaechi (KJR) [Entry Date 04/29/2003]
05/27/2003		***Motions Submitted: [14] MOTION for Order by Christopher N. Amaechi (KJR) [Entry Date 05/27/2003]
05/29/2003	15	AGREED ORDER TO MODIFY

		SCHEDULING ORDER (1) Discovery due by 6/1/2003; (2) Dispositive Motions due by 7/7/2003, all other ddls in scheduling order remain the same. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 05/29/2003]
07/01/2003	16	MOTION IN LIME to prohibit introduction into evidence of education transcripts of Graduate Students Kate **Northcutt, Mark Russell, Kerry Alcon and Michelle Hite;** filed by dfs (JM) [Entry Date 07/01/2003]
07/01/2003	17	ORDER that upon the filing of any brief or memorandum of law in any proceedings, court copy is to sent in READ ONLY FORMAT and must be submitted within 48 hours of filing the brief/memorandum. Signed by Judge Joseph M. Hood. (JM) [Entry Date 07/01/2003]
07/07/2003	18	Mail Returned as Undeliverable. Mail sent to H. Wayne Roberts (KJR) [Entry Date 07/07/2003]
07/07/2003	19	MOTION for Summary Judgement w/memo in support by Richard Angelo, Michael T. Nietzel, University of Kentucky, University of Kentucky Board of Trustees. Respondents due by 7/28/2003 (KJR) [Entry Date 07/08/2003]
07/08/2003	20	MOTION for Extension of Time to

		8/22/03 to File Response to dft's [19] MOTION for Summary Judgement by Christopher N. Amaechi (KJR) [Entry Date 07/08/2003]
07/08/2003	21	MOTION for Extension of Time to 8/22/03 to File Response to dft's [16] MOTION in Limine by Christopher N. Amaechi (KJR) [Entry Date 07/08/2003]
07/09/2003	22	ORDER GRANTING pla's [20] Motion for Extension of Time to 8/22/03 to File Response to dft's [19] MOTION for Summary Judgement. Signed by Judge Joseph M. Hood. Responses due by 8/22/2003 Replies due by 9/10/2003. (KJR) [Entry Date 07/09/2003]
07/09/2003	23	ORDER GRANTING pla's [21] Motion for Extension of Time to 8/22/03 to File Response to dft's [16] MOTION in Limine. Signed by Judge Joseph M. Hood. Responses due by 8/22/2003 Replies due by 9/10/2003. (KJR) [Entry Date 07/09/2003]
08/01/2003	24	MOTION for Leave to Amend Complaint by Christopher N. Amaechi (KJR) [Entry Date 08/01/2003]
08/01/2003		TENDERED - Third Amended Complaint. (KJR) [Entry Date 08/01/2003]
08/15/2003	25	RESPONSE to Pla's Motion for

		Leave to file third amended complaint filed by Richard Angelo, Michael T. Nietzel, University of Kentucky. (MRS) [Entry Date 08/15/2003]
08/22/2003	26	RESPONSE to dft's [19] MOTION for Summary Judgement by Richard Angelo, Michael T. Nietzel, University of Kentucky, University of Kentucky Board of Trustees filed by Christopher N. Amaechi. (KJR) [Entry Date 08/22/2003]
08/25/2003		***Motion Submitted: [16] MOTION in Limine by Richard Angelo, Michael T. Nietzel, University of Kentucky, University of Kentucky Board of Trustees (KJR) [Entry Date 08/25/2003]
08/25/2003	27	MOTION for Leave to File Addendum to Pla's response to dft's motion for summary judgement by Christopher N. Amaechi (KJR) [Entry Date 08/26/2003]
09/02/2003		***Motions Submitted: [24] MOTION for Leave by Christopher N. Amaechi (KJR) [Entry Date 09/02/2003]
09/02/2003		***Motions Submitted: [14] MOTION for Order by Christopher N. Amaechi (KJR) [Entry Date 09/02/2003]
09/02/2003	28	REPLY to pla's Response to dft's [19] MOTION for Summary Judgement

		filed by Richard Angelo, Michael T. Nietzel, University of Kentucky. (KJR) [Entry Date 09/03/2003]
09/03/2003		*** Motions Submitted: [19] MOTION for Summary Judgement by Richard Angelo, Michael T. Nietzel, University of Kentucky, University of Kentucky Board of Trustees (KJR) [Entry Date 09/03/2003]
09/09/2003	29	ORDER that the Final Pretrial Conference scheduled for 10/6/03 is RESCHEDULING for 10/22/2003 10:00 AM. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 09/09/2003]
09/10/2003		----------VOLUME - 2 - ----------(KJR) [Entry Date 09/16/2003]
09/15/2003		***Motions Submitted: [27] MOTION for Leave by Christopher N. Amaechi (KJR) [Entry Date 09/15/2003]
09/22/2003	30	ORDER DENYING AS MOOT pla's [14] Motion for Order to modify the scheduling order. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 09/22/2003]
09/22/2003	31	ORDER GRANTING dft's [16] Motion in Limine prohibiting the introduction into evidence of the education transcripts of graduate students Northcutt, Russell, Alcorn & Hite. Signed by Judge Joseph M.

		Hood. (KJR) [Entry Date 09/22/2003]
09/22/2003	32	ORDER GRANTING pla's [27] Motion for Leave to file addendum to his response to dft's motion for summary judgement. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 09/22/2003]
09/22/2003	33	ADDENDUM (1tr from UK to pla) to be filed per order [32]. (KJR) [Entry Date 09/22/2003]
09/22/2003	34	MEMORANDUM OPINION & ORDER DENYING pla's [24] Motion for Leave to file a third amended complaint. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 09/22/2003]
09/26/2003	35	ORDER (1) INITIAL PRETRIAL CONFERENCE set for 10/15/2003 11:30 AM before James B. Todd; (2) Pretrial Filings due by 10/8/2003; court reporter needed. Signed by Judge James B. Todd. (KJR) [Entry Date 09/26/2003]
09/30/2003	36	ORDER Defendant's motion for summary judgement (rec. [19]) be GRANTED. Signed by Judge Joseph M. Hood. (MJY)(cc: all counsel) [Entry Date 09/30/2003]
09/30/2003	37	JUDGMENT 1) This action is DISMISSED AND STRICKEN FROM THE ACTIVE DOCKET; 2) all pending motions DENIED AS MOOT; 30 all scheduled proceedings

		CONTINUE GENERALLY; 4) This order is FINAL & APPEALABLE, Case Terminated.. Signed by Judge Joseph M. Hood. (MJY)(cc: all counsel) [Entry Date 09/30/2003]
10/23/2003	38	NOTICE OF APPEAL as to [37] Judgment, Terminated Case, by Christopher N. Amaechi. Filing fee $ 105, receipt number 109264. (KJR) [Entry Date 10/23/2003]
10/23/2003	39	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re [38] Notice of Appeal; transmitted to 6CCA via US Mail (KJR) [Entry Date 10/23/2003]
10/28/2003	40	CERTIFICATE of Counsel re [38] Notice of Appeal by Linda J. West on behalf of Christopher N. Amaechi. (PDB) [Entry Date 10/28/2003]
11/12/2003	41	TRANSCRIPT REQUEST by Christopher N. Amaechi (NO HEARINGS) re [38] Notice of Appeal (LKM) [Entry Date 11/12/2003]"

APPENDIX 3

(CASE NO. 04-1091)

GENERAL DOCKET

Sixth Circuit Court of Appeals

"03-6410 **03-6410**

Court of Appeals Docket #: 03-6410	Filed: 11/3/03
Nsuit: 3190 Contract: Other	

Amaechi v. Univ. KY, et al. Appeal from: Eastern District of Kentucky at Lexington
Case Type information: 1) Civil 2) private 3) federal question
Lower Court information: District: 0643-5 : 02-00241 Trial Judge: Joseph M. Hood, District Judge Date Filed: 5/15/02 Date Order/judgement: 9/30/03 Date NOA filed: 10/23/03
Fee status: paid
Prior cases: None Current cases: None

Docket as of December 28, 2004 02:13 PM Page 1

03-6410 Amaechi v. Univ KY, et al.

CHRISTOPHER N. AMAECHI Plaintiff – Appellant	Linda J. West FTS 546-2493 606 - 546-8894 [COR LD NTC ret] 103 Liberty Street P. O. Box 1239

	Barbourville, KY 40906
v.	
UNIVERSITY OF KENTUCKY College of Business Defendant - Appellee	Robert L. Roark FTS 225-1493 859-225-4714 [COR LD NTC ret] Christopher Dane Frederick 859-225-4714 [NTC ret] Walther, Roark, Gay & Todd 163 E. Main Street Suite 200, P. O. Box 1598 Lexington, KY 40588-1598

03-6410 Amaechi v. Univ KY, et al.

CHRISTOPHER N. AMAECHI Plaintiff - Appellant
v.
UNIVERSITY OF KENTUCKY, College of Business, et al., Defendants - Appellees

03-6410 Amaechi v. Univ KY, et al.

11/3/03	Civil Case Docketed. Notice filed by Appellant Christopher N. Amaechi. Transcript needed: n ⌂ (pje)
11/3/03	CASE OPENING & BRIEFING LETTER SENT: forms due 11/17/03; appellant brief due 12/15/03; appellee brief due 1/20/04; reply brief due 2/6/04; appendix due 2/13/04; all final briefs due 3/5/04. [03-6410]. (pje)
11/5/03	Mediation Office is involved in this appeal. [03-6410] (trm)
11/5/03	Pre-argument conference has been scheduled for December 8, 2003 at 2:00 PM with Mr. Tobias. [03-6410] (trm)
11/5/03	Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 12/22/03; appellee due 1/26/04; reply due 2/9/04; joint appendix due 2/17/04; all finals due 3/9/04. [03-6410] (trm)
11/12/03	APPEARANCE filed by Attorney Linda J. West for Appellant Christopher N. Amaechi [03-6410] (pje)
11/12/03	PRE-ARGUMENT STATEMENT filed by Linda J. West for Appellant Christopher N. Amaechi [03-6410] (pje)
11/12/03	TRANSCRIPT ORDER FORM filed by Linda J.

	West for Appellant Christopher N. Amaechi: No hearings held in the District Court. [03-6410] [2851270-1] (blh)
11/14/03	APPEARANCE filed by Attorney Robert L. Roark for Appellee Univ KY [03-6410] (pje)
12/15/03	Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 12/29/03; appellee brief now due 2/2/04; reply brief now due 2/19/04; appendix now due 2/26/04; all final briefs now due 3/18/04. [03-6410] . (wjr)
12/18/03	Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 1/29/04; appellee brief now due 3/2/04; reply brief now due 3/19/04; appendix now due 3/26/04; all final briefs now due 4/16/04 . [03-6410] . (wjr)
1/23/04	Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 2/20/04; appellee brief now due 3/24/04; reply brief now due 4/12/04; appendix now due 4/19/04; all final briefs now due 5/10/04. [03-6410] . (wjr)
2/6/04	Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 3/12/04; appellee brief now due 4/14/04; reply brief now due 5/3/04;

appendix now due 5/10/04; all final briefs now due 5/31/04. [03-6410] . (wjr)

03-6410 Amaechi v. Univ KY, et al.

3/4/04	Mediation Office is no longer involved in this appeal at this time. (lmn)
3/11/04	PROOF BRIEF filed by Linda J. West for Appellant Christopher N. Amaechi. Certificate of date 3/11/04 Number of pages: 32. [03-6410] ☺ (lak)
3/11/04	Request to require oral argument filed by Linda J. West for Appellant Christopher N. Amaechi [03-6410] (lak)
4/15/04	PROOF BRIEF filed by Robert L. Roark for Appellee Univ KY. Certificate of service date 4/14/04. Number of Pages: 47. [03-6410] ☺ (lak)
4/15/04	Request to waive oral argument and submit case on the briefs, (waiver on page: v), filed by Robert L. Roark for Appellee Univ KY [03-6410] (lak)
4/29/04	REPLY BRIEF filed by Linda J. West for Appellant Christopher N. Amaechi Copies: 1. Certificate of service date 4/29/04 [03-6410] (lmn)
5/11/04	APPENDIX filed by Linda J. West for Appellant

	Christopher N. Amaechi. Copies 5. Certificate of service date none [03-6410] (pje)
5/12/04	BRIEFING LETTER SENT requesting appendix corrections from Linda J. West because: (1) pagination, (2) rev index, (3) missing doc. Corrected appendix due: 5/26/04; all final briefs now due 6/16/04. [03-6410] . (pje)
5/12/04	BRIEFING LETTER SENT : all final briefs now due 6/16/04. [03-6410] . (pje)
5/25/04	Corrected Appendix filed by Linda J. West. Copies: 5 (one volume) . Certificate of Service date 5/25/04 [03-6410] (lmn)
6/16/04	FINAL BRIEF filed by Linda J. West for Appellant Christopher N. Amaechi. Copies: 7. Certificate of service date 6/16/04 Number of pages: 30. [03-6410] (lmn)
6/16/04	Request to require oral argument filed by Linda J. West for Appellant Christopher N. Amaechi [03-6410] (lmn)
6/16/04	FINAL REPLY BRIEF filed by Linda J. West for Appellant Christopher N. Amaechi. Copies: 7 Certificate of service date 6/16/04 Number of pages: 13 . [03-6410] (lmn)
6/16/04	FINAL BRIEF filed by Robert L. Roark for Appellee Univ KY. Copies: 7. Certificate of service date 6/16/04. Number of Pages: 45. [03-6410] (lmn)

03-6410 Amaechi v. Univ KY, et al.

6/16/04	Request to waive oral argument and submit case on the briefs filed by Robert L. Roark for Appellee Univ KY [03-6410] (lmn)
10/6/04	CAUSE SUBMITTED on briefs to panel consisting of Judges Daughtrey, Gilman, Rice sitting on 11/30/04. [03-6410] (kal)
10/13/04	Oral argument date set for November 30, 2004 in court room 403. Notice of argument sent to counsel. [03-6410] (pjm)
11/5/04	Appellant's MOTION to waive oral argument and submit case on the briefs filed by Linda J. West for Christopher N. Amaechi. Certificate of service date 10/26/04 [03-6410] (pje)
11/24/04	ORDER filed GRANTING appellant's motion to waive oral argument and submit on briefs filed by Linda J. West [03-6410]. Entered by order of the court. (pje).
12/6/04	Per Curiam OPINION filed: AFFIRMED, decision not for publication pursuant to local rule 28(g) [03-6410]. Martha C. Daughtrey, Circuit Judge, Ronald L. Gilman, Circuit Judge, Walter H. Rice, District Judge. (pje).

APPENDIX 4
(CASE NO. 04-1091)
DEFENDANTS INTENTIONALLY AND PURPOSEFULLY ABANDONED AMAECHI FOR OVER TWO ACADEMIC SEMESTER AFTER HE PASSED HIS QUALIFYING EXAMINATION

"M-E-M-O-R-A-N-D-U-M

TO: Dr. Michael T.Nietzel

FROM: Christopher N. Amaechi

DATE: July 17, 1999

RE: My current "Doctoral Advisory Committee Members" **abandoned me for over two academic semesters now.** Therefore, I need a Major Professor and a Dissertation Chair to enable me to proceed in my doctoral program at the University of Kentucky. In addition, I need some financial support (a fellowship, an assistantship, or a scholarship) to enable me to complete the degree requirements at the University and to graduate from the program

Student (Christopher Nnamdi Amaechi, SS#405-11-6787) Profile:

(1) Fall 1995 Registration:
August 15, 1995

(2) First Day of class:
August 21, 1995

(3) Program Concentration: Higher Education – Student Personnel Services, Quantitative Research Methods, and Sociology

(4) Date "Program Plan" was approved: Spring, 1997

(5) Date Candidate Passed the Qualifying Examination: Fall, 1998

(6) Cumulative Grade Point Average at the University of Kentucky: 3.704/4.000

(7) Residency Credits (two 9-hour back-to-back semesters) completed? Yes?

(8) Date the "Residency Credits" were completed? Spring, 1999.

Thank you very much."

APPENDIX 5

(CASE NO. 04-1091)

PROOF THAT DEFENDANT (DR. ANGELO) EXPRESSED HIS WRITTEN INTENT TO REMOVE AMAECHI FROM THE GRADUATE SCHOOL ON MARCH 21, 2000 AND REMOVED AMAECHI FROM THE GRADUATE SCHOOL ON NOVEMBER 21, 2001. AMAECHI KNEW ABOUT THIS E-MAIL ONLY AFTER SUMMARY JUDGEMENT WAS AWARDED

"DEFENDANT'S EXHIBIT # 14"

"Date: Tus, 21 Mar 2000 19:28:19-0500

To: Amaechi's committee

From: Richard AngeloAngelo@pop.uky.edu

Subject: How do you think we should proceed from here?

Dear Colleagues,

...Our meeting today lasted two and a half ours. Part of that time was devoted to clearing the air over process, reestablishing rapport as best I could; the rest was devoted to his writing. Yes, he seemed reasonably pleased with the meeting, but he also explained at the conclusion that one committee member had suggested to him earlier today..he wouldn't tell me who—that the committee meet without him to hammer out a detailed outline of our expectations for the proposal. This document would presumably facilitate his revisions as well our further criticisms.

I explained why I didn't think that would help much. Expectations are already clear enough, or so it seems to me. Christopher knows for instance, that his next step is to give a plausible rendition of Christian-Ray's study. But alas, he can't do it. His problem is centered on the nitty-gritty syntax of things, in other words, on a level of detail which an outline, by definition, would leave unspecified. I left him with the assurance, however, that I would ask the committee's advice and get back to him within a week.

So what are your thoughts? I'm out of patience, I must confess. Soothing his ruffled temper, gratifying his petulant demands, has left me exhausted, but so has the repeated recognition that **he cannot write with the fluency of an ordinary undergraduate.** We are in more or less the same position today as we were a year ago November. If you see merit in this outline idea, however, both as a way to give Christopher every benefit of the doubt and/or **to serve as the basis for a final decision to remove him from the graduate school, then lets go ahead with it.**

Printed for Richard Angelo <Angelo@pop.uky.edu>

Page 2

Bethg@pop.uky.edu,Jpbieb01@pop.uky.edd, 01:09 PM 3/23/00-0500, Fwd: How do you think we sl

Sincerely,

Richard

Printed for Richard Angelo Angelo@pop.uky.edu>

Page 3"

PLEASE NOTE:

1). **Defendant's** ***purposefully*** and ***intentionally*** addressed **Exhibit # 14** in Apex 5 herein to members of the Graduate Faculty in the EPE Department who were **not** serving on Amaechi's committee at that time. It was a foundation for future action.

2). Dr. Beth Goldstein bethg@pop.uky.edu to whom that e-mail was sent in the month of March 21, 2000 was not a member of Amaechi's committee by March 21, 2000. Dr. Beth Goldstein was the Director of Graduate Studies in the EPE Department in 1999.

3). Dr. Jeffrey Bieber jpbieb01@pop.uky.edu to whom that e-mail was sent in the month of March 21, 2000 was never a member of Amaechi's committee. He was the Director of Graduate Studies in the EPE Department on August 2001.

4). Dr. Richard Angelo's **intent** was to remove Christopher from the graduate school as he stated in **Appendix 5 herein at paragraph 2** before Amaechi was eventually removed from that same graduate school.

5). In Appendix 12 herein Respondents admitted, ***"...there were no other doctoral candidates who went through the termination process as did Amaechi".*** That admission is another proof of purposeful and intentional discrimination on the basis of Amaechi's race and national origin.

6). That e-mail was not revealed to Amaechi until after his termination from the degree program.

APPENDIX 6
(CASE NO. 04-1091)
AMAECHI DECIDED NOT TO USE FOR A DISSERTATION AN SPSS DATA FILE THAT WAS NOT APPROVED BY HIS COMMITTEE

"Christopher N. Amaechi
P. O. Box 2371
London, KY 40743-2371

November 11, 2000

Dr. Edward Kifer
Professor
The University of Kentucky
College of Education
Educational Policy Studies and Evaluation
131 Taylor Education Building
Lexington, Kentucky 40506-0001

Dear Dr. Kifer:

Thank you for your recent letter of inquiry about my memo to you on November 3, 2000 concerning the discrepancies between the original satisfaction data from which my

approved dissertation proposal was written and the **11/03/00 "SPSS Data File".**

Here are the discrepancies between the **"SPSS Data File" I received on 11/03/00** and the data set Dr. Christian-Ray and Associates (1997) collected with the Noel-Levitz (1994) instrument from which my approved dissertation proposal was written.

The "SPSS Data File" I received from Phyllis on 11/03/00 contains a total of 368 variables. In contrast, the Noel-Levitz (1994) instrument with which the (1997) data set from which my approved dissertation proposal was written contains a total of **116 variables.** My approved dissertation proposal was not written from a data set with 368 variables. The major confusion is that the numerical values of satisfaction items in the **368 variables** are quite different from the numerical values of the satisfaction items that my approved dissertation proposal was written.

I returned to your office to share the confusion with you after opening the "SPSS Data File" on campus but was told that you had perhaps gone for that day. I discussed the discrepancies with Dr. Angelo and with Dr. Thelin on 11/03/00. Dr. Angelo then indicated to me that if the numerical values of satisfaction items in the "SPSS Data File" are different from those from which my approved dissertation proposal was written, to consult with Dr. Christian-Ray to explain the data file to me since it came from her office.

Following that brief discussion with Dr. Angelo on 11/03/00, I consulted with Dr. Christian-Ray. She then opened the **"SPSS Data File"** in her office, and referred me to one of

her assistants. Her assistant indicated to me that she was not very familiar with the contents of the data file despite the fact that she had entered them into the "Excel File" as so instructed by her supervisor.

I am very appreciative of you for your continuing support. I am deeply sorry for any inconvenience I may have caused you for your involvement in this regard. Knowing that **"a stitch in time saves nine",** it is prudent for me to continue with the 1997 numerical values of satisfaction items from which my approved dissertation proposal was written to help maximize my chances of completing the project and defending the dissertation by May 2001.

I have also enclosed a redrawn copy of the Student Experience and Satisfaction (S1-E-S2) paradigm for this study following a brief discussion with you about it on 11/03/00.

Sincerely,

Christopher N. Amaechi"

APPENDIX 7
(CASE NO. 04-1091)
DR. EDWARD S. KIFER APPEARED UNSURE OF THE SPSS DATA FILE HE GAVE TO AMAECHI
"DEFENDANT'S EXHIBIT # 19"

"November 6, 2000

Mr. Christopher Amaechi
P.O. Box 2371

London, KY 40743

Dear Christopher:

I have a note from Phyllis saying you believe there are problems with the **SPSS file I gave you.** You "found data that were not related to the original data." I do not know what that means.

Do you think that the conversion from SAS to SPSS did not work? Or, do you think there are variables in the new set that you did not have in the text you were given? Or, do you think there are values of the variables that differ in the SPSS set versus the text you were given?

The data set I gave you came from directly from the Office of Institutional Research and was their version of what they collected. If there are discrepancies between those data and your, it would be important to know the nature of those differences.

Without knowing the nature of the differences, I do not know how you decided to "use the original data." Perhaps the new set is, in fact, the better and more complete one.

I suggest you spend some time looking closely at the differences. Since you have done no major analyses, there is no reason to worry about "avoiding confusion."
Sincerely,

Edward Kifer

Professor".

APPENDIX 8
(CASE NO. 04-1091)
DR. EDWARD S. KIFER ADMITTED THAT HIS UNAPPROVED SPSS DATA FILE AND AMAECHI'S APPROVED SPSS DATA FILE WERE DIFFERENT
"DEFENDANT'S EXHIBIT # 22"

"November 16, 2000

Mr. Christopher Amaechi
P. O. Box 2371
London, KY 40743

Dear Christopher:

I received you letter of November 11.

The question is not whether there are differences between the data sets you have. The question is which data set most accurately represents the data set you should be using.

The answer to which data set you should be using is easy to obtain. Do tabulations from both data sets and compare those tabulations to what was reported by Dr. Ray.

I look forward to seeing your results.

Sincerely,

Edward Kifer
Professor"

APPENDIX 9
(CASE NO. 04-1091)

AMAECHI ASKED TO KNOE IF DR. KIFER WOULD REVIEW AMAECHI'S DATA BEYOND THE RELIABILITY OF SATISFACTION SCALE AND FREQUENCIES OF MISSING N

"Christopher N. Amaechi
P. O. Box 2371
London, KY 40743-2371
January 9, 2001

Dear Dr. Kifer:

If I am not mistaken, you indicated to me on January 8, 2001 in our telephone conversation that you do not intend to see the results of my study until you have reviewed my frequency results of the Noel-Levitz (1994) Student Satisfaction data used by Christian-Ray and Associates (1997).

Here are the results of the frequencies of the 1997 Student Satisfaction Survey data that I am using for my study. These frequency results are exactly the same as the frequencies for the 379 survey respondents that Dr. Christian-Ray and Associates (1997, p. 19) reported in accordance with the Noel-Levitz (1994) Student Satisfaction Inventory. I have also enclosed a copy of their report on the students' classification, ethnic origin and gender for your perusal.

Please not that the frequency results of the original data are numbered thus: #1997. Two graduate students were included in the 1997 survey results. These two graduate students are excluded from my study because they do not belong to the undergraduate student subjects for this study. The frequency results of my study are numbered thus: #2001.

Sincerely,

Christopher N. Amaechi"

APPENDIX 10
(CASE NO. 04-1091)
PROOF OF NATIONAL ORIGIN DISCRIMINATION: NAMES OF U.S. BORN CITIZENS WHO RECEIVED PREFRENTIAL TREATEMENTS DENIED TO AMAECHI BY THE SAME RESPONDENTS

1. "William (Bill) Whitaker Jr."(Black and Male). He can be reached at P. O. Box 725, Clinton, NC 28329. Telephones: (910) 592-4255 and (704) 216-6078. (He is the Doctoral Candidate who had enrolled in the degree program a semester earlier than did Amaechi. Amaechi was terminated but he was not terminated).

2. Dr. Doris N. Stilwell. (White and Female). She can be reached at Education and Counseling Psychology, 239 Dickey Hall, University of Kentucky, 40506- 0017, (859) 278-7086. Dr. Edward (Skip) Kifer co-chaired her dissertation committee at the University of Kentucky with Dr. Fred Danner.

APPENDIX 11
(CASE NO. 04-1091)
NAMES OF SOME NON-MINORITY STUDENTS THAT DEFENDANTS PURPOSEFULLY AND INTENTIONALLY HIRED FOR THE TEACHING ASSISTANTS POSITION IN PLACE OF AMAECHI. BUT AMAECHI HAD SIGNED A CONTRACT WITH THE DEFEBNDANTS ON JUNE 28, 1995 TO WORK AS A TEACHING ASSISTANT

"IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
AT LEXINGTON

CIVIL ACTION NO. 02-241-JMH

FILED JUL 01, 2003

CHRISTOPHER N. AMAECHI PLAINTIFF

DEFENDANTS' MOTION IN LIMINE

UNIVERSITY OF KENTUCKY, COLLEGE
OF EDUCATION, et. al. DEFENDANTS

****

The Defendants, through counsel, pursuant to this Court's Scheduling Order dated September 25, 2002, hereby move in Limine to prohibit the introduction into evidence of the education transcripts of graduate students **Kate Northcutt, Mark Russell, Kerry Alcorn and Michelle Hite** relating to any allegations or claims by Plaintiff that Defendants discriminated against Plaintiff by offering and/or hiring said students for the Teaching Assistant position in the EPE Department at the University of Kentucky over Amaechi because such education transcripts would be obtained in violation of both state and federal law. Plaintiff requested the aforementioned transcripts in his Request for Production of Documents, Request No. 5, wherein the Defendants responded that such request would be prohibited by prevailing law. As such, these academic transcripts must be excluded from evidence...

Here, the education transcripts of Kate Northcutt, Mark Russell, Kerry Alcorn and Michelle Hite should be excluded from evidence. These students have not consented to the release of such information in accordance with FERPA and KFERPA, and Defendants are unable to disclose such evidence as it constitutes a violation under both state and **federal law...**

For these reasons, Defendants respectfully request that the Court order such information may not be disclosed at the trial of this action.

Respectfully submitted,
WALTHER, ROARK, GAY & TODD, PLC

Erica L. Keenan_____
Robert L. Roark, Esq.
Erica L. Keenan, Esq.
163 East Main Street, Suite 200
P. O. Box 1598
Lexington, Kentucky 40588-1598
(859) 225-4714

Paul Van Booven
University of Kentucky
7 Gillis Building
Lexington, Kentucky 40506
COUNSEL FOR DEFENDANTS"

APPENDIX 12
(CASE NO. 04-1091)
IN ANSWERING AMAECHI'S INTERROGATORY QUESTION NO. 5 RESPONDENTS WROTE: "...THERE WERE NO OTHER DOCTORAL CANDADITES WHO WENT THROUGH THE TERMINATION PROCESS AS DID AMAECHI"

"PLAINTIFF'S INTERROGATORY NO. 5: page 3. Please identify all doctoral candidates in the last fifteen (15) years who have been terminated from the Doctoral

Degree program in the EPE Department during the first five (5) years of eligibility in the doctoral degree program. With respect to each person identified in this Interrogatory, please state the following: (a) the person's race; (b) the reason why the person was terminated; (c) if the person's termination was overturned on appeal and the reason why it was overturned.

ANSWER: Upon information and belief, there were no other doctoral candidates who went through the termination process as did Amaechi. However, upon information and belief, other doctoral candidates who were advised that they were failing to make satisfactory progress toward completion of their dissertation have voluntarily withdrew from the program."

APPENDIX 13
(CASE NO. 04-1091)
RESPONDENTS INTENTIONALLY AND PURPOSEFULLY CHOSE DR. MICHAEL T. NIETZEL FOR AMAECHI'S OUTSIDE EXAMINER TO JUDGE AMAECHI'S DISSERTATION BEFORE THE MAJOR PROFESSOR SAID "OK" – A SUNSTANTIAL DEPARTURE FROM THE "EPE DOCTORAL PROGRAM GUIDESHEET"

"DEFENDANTS EXHIBIT # 23

"Jim O'Reilly, 04:52 PM 3/6/01 –0500, Outside Examiner for Christopher Amaechi

X-Sender: oreilly@pop.uky.edu
X-Mailer: QUALCOMM Windows Eudora Pro Version 4.2.0.58

Date: Tue, 06 Mar 2001 16:52:12 – 0500
To: Jeffery Bieber <jpbieb01@pop.uky.edu>, Richard Angelo <angelo@pop.uky.edu>
From: "Jim O'Reilly" <oreilly@pop.uky.edu>
Subject: Outside Examiner for Christopher Amaechi
Cc: Michael T. Nietzel <nietzel@pop.uky.edu>, "Jim O'Reilly" <oreilly@pop.uky.edu>

I am pleased to inform you that Professor Michael T. Nietzel (phone: 257-1759, email address above) of the Department of Psychology and of The Graduate School has very graciously agreed to serve as the Outside Examiner for the Final Doctoral Examination of Christopher Amaechi. Dean Nietzel will be sending out an official appointment letter to this effect at the time that the Final Exam is actually scheduled.

I indicated to Dr. Nietzel that the target time period for scheduling the Final Examination was the week of "April 9-13, 2001", as indicated on the "Notification of Intent" form. This time range is reasonably open for him at this point. Nevertheless, I remind you that the student must coordinate the scheduling of the Final Oral with the Outside Examiner as well as with the Core members of the Committee.

The final steps for the student are to bring (1) a properly filled out and signed "Request for Scheduling" of the Final Examination, (2) a "Dissertation Approval" form signed by a majority of the Core Committee members, and (3) the Examination copy of the dissertation to 351 Patterson a MINIMUM of two weeks in advance of the Exam date. The * approved * Examination copy of the dissertation is then to be delivered to the Outside Examiner at least 2 weeks prior to the date of the Final Examination.

My best wishes for the student's successful defense of the Dissertation, and my sincere thanks to the Outside Examiner for accepting this added task in support of the graduate education at the University.

****

NOTE NEW AREA CODE MANDATORY OCTOBER 2000

Dr. James E. O'Reilly, Associate Dean
Distance Learning and Multidisciplinary Graduate Programs
The Graduate School Phone: 859-257-2411
315 Patterson Office Tower FAX: 859-323-1928
University of Kentucky email: oreilly@pop.uky.edu
Lexington, KY 40506-0027

Visit the Graduate School at <http://www.rgs.uky.edu/gs/gradhome.html>http://www.rgs.uky.edu/gs/gradhome. html Application forms for admission are available online.

Printed for Jim O'Reilly <oreilly@pop.uky.edu>

APPENDIX 14
(CASE NO. 04-1091)
DEFENDANTS PURPOSEFULLY AND INTENTIONALLY NOTIFIED THE GRADUATE SCHOOL OF THEIR INTENT SCHEDULE AMAECHI'S FINAL EXAMINATION WITHOUT AMAECHI'S KNOWLEDGE

"DEFENDANT'S EXHIBIT # 24"

"UK **NOTIFICATION OF INTENT**

TO SCHEDULE A FINAL DOCTORAL EXAMINATION
The Graduate School
University of Kentucky

PROGRAM: Educational Policy Studies and Evaluation
DATE: March 6, 2001
STUDENTS' NAME: Christopher Amaechi
SSN 405-11-6787
MAILING ADDRESS: P.O. Box 2371,
London, KY 40743-2371

ANTICIPATED WEEK OF DEFENSE: April 9-13, 2001
ADVISORY COMMITTEE

CORE	**PROGRAM**
1. Richard Angelo **(Major Professor (Chair)**	Educational Policy Studies
2. Edward Kifer	Educational Policy Studies
3. John Thelin	Educational Policy Studies
4. Shirley Raines	Curriculum & Instruction
5. Thomas Janoski	Sociology
OTHER MEMBERS	
6._____	_____
7._____	_____
8._____	_____

Suggested areas from which outside examiner may be selected

_____
_____
_____
_____

TYPE YOUR DISSERTATION TITLE AS IT SHOULD APPEAR IN THE COMMENCEMENT PROGRAM
Student Satisfaction with Perceived Experiences from the Academic Services (AS)

and the Non-Academic
Services (NAS) at the
University of Kentucky

J. P. Bieber
DIRECTOR OF GRADUATE STUDIES

FOR GRADUATE SCHOOL USE ONLY:
OUTSIDE EXAMINER: Dr. Nietzel (...file)
DATE NOTIFIED: **03/06/2001** PROGRAM: PSY_"

APPENDIX 15
(CASE NO. 04-1091)
IN 1940's LYMAN T. JOHNSON (AN-AFRICAN AMERICAN MALE) WAS DENIED ADMISSION TO UK'S GRADUATE SCHOOLON THE BASIS OF HIS RACE

Lyman T. Johnson was an African-American male who was denied admission to UK's graduate School in the late 1940s. He believed then that it was his duty to challenge the university's segregated graduate school for purposes of desegregation.

In 1949, the court ruled in his favor. This landmark legal victory has opened all colleges at the University of Kentucky to all students regardless of race or ethnicity.

Source: Lyman T. Johnson Monument Committee, University of Kentucky, 557 Patterson Office Tower, Lexington, KY 40506. Phone: (859) 257-8973.
http: www.ukalumni.net/clubsandgroups/ltj.htm

APPENDIX 16
(CASE NO. 04-1091)
HISTORICALLY DEFENDANTS DID NOT HAVE ANY AFRICAN - AMERICAN FULL GRADUATE FACULTY MEMBER EMPLOYED IN THE EPE DEPARTMENT IN FIFTEEN (15) YEARS (1987 THROUGH 2002)

"PLAINTIFF'S INTERROGATORY NO. 15: Page 7. Please identify all African-American Full Graduate Faculty members employed in the EPE Department in the last fifteen (15) years.

ANSWER: There have been no African-American full graduate faculty members within the EPE Department within the past fifteen (15) years". Defendants further thus: "Emmanual Okorley was an associate member of the graduate faculty during this time, and is African-America."

To that contrary, Dr. Emmanuel Okorley was a citizen of Ghana in West Africa. He was **not** an African-American at the time of Amaechi's enrollment in the doctoral degree program at the University of Kentucky.

APPENDIX 17
(CASE NO. 04-1091)
*IN ANSWERING AMAECHI'S INTERROGATORY QUESTION NO. 6 ON RACIAL ISSUES DEFENDANTS MISINFORMED THE COURTS THAT AFRICAN STUDENTS ON *J-1* AND *F-1* VISAS WERE AFRICAN-AMERICAN DEGREE RECEIPIANTS

"PLAINTIFF'S INTERROGATORY NO. 6: Page 4. Please identify all African-American doctoral degree candidates who have obtained their doctoral degree from the EPE Department in the past fifteen (15) years. With respect

to each African-American doctoral degree recipient identified, please name the African-Americans doctoral degree recipient's Dissertation Advisory Committee Chairperson(s)."

ANSWER:

Loretta F. Bayars, 1982 - Alan DeYoung and David Denton.

Earlo Anderson, 1983 -Edger Sagen

Betty H. Olinger, 1987 - Juanita Fleming and Charles Elton.

Doris Weathers, 1987 - Richard LaBrecque.

Steve Parker, 1995 - Edger Sagan

Sheila Jackson-Fobbs, 1997 - Edgar Sagan

*Dyasi, Moffat M. 1999 - John Thelin. However, this student was a Citizen of South Africa, and he was on a **J -1 Visa**.

Margery Colson Clark, 2000 - Virgina Davis Nordin

*Nkulu, Kiluba Lukuba-Mvwanda 2000 - Clinton Collins. However, this student was a Citizen of Congo B., and he was on an **F-1 Visa.**

- In fact, an International Student does not become a citizen of the U.S. until after meeting all criteria for citizenship through the U.S. Department of Justice.

APPENDIX 18
THIS EXHIBIT DEMONSTRATES THAT RESPONDENTS BREACHED A CONTRACT AGREEMENT THAT AMAECHI AND DR. RICHARD ANGELO SIGNED ON JUNE 28, 1995
"DEFENDANT'S EXHIBIT # 4"

"April 9, 1999

Christopher N. Amaechi

P. O. Box 2371
London, KY 40742-2371

Dear Christopher,

I have some disappointing (though perhaps not unanticipated) news.

At our department meeting on Tuesday, April 6, we reached a decision about the teaching assistants from coming academic year. Five applicants were reviewed, including yours, for the two positions available. You were not selected.

Moreover, after some discussion of your circumstances, the department decided against renewal of your Lyman T. Johnson fellowship for next year.

I'm sorry.

Sincerely,

Richard Angelo
Associate Professor & Chair

Cc: Robert Shapiro, Associate Dean"

Please see Appendix 1, p. 30 herein at paragraph 65 for a fact on breach of contract.

APPENDIX 19

(CASE NO. 04-1091)

OUR NATION AT RISK THROUGH DECEPTIVE RESEARCH - EXPOSING READY MADE AND

DECEPTIVE TRUISMS OF A MODEL CALLED PERFORMANCE GAP. RESPONSE CHOICES FOR IMPORTANCE SCALE AND SATISFACTION SCALE HEREIN ARE DIFFERENT. PERFORMANCE GAP DID NOT HAVE A SCALE

Importance Scale 1- to- 7	*Satisfaction Scale 1- to -7*
1 = Not important at all	1 = Not satisfied at all
2 = Not very important	2 = Not very satisfied
3 = Somewhat unimportant	3 = Somewhat dissatisfied
4 = Neutral	4 = Neutral
5 = Somewhat important	5 = Somewhat satisfied
6 = Important	6 = Satisfied
7 = Very important	7 = Very satisfied

APPENDIX 20

(CASE NO. 04-1091)

A STRUCTURE OF THE UK-1997 SURVEY DATA SETS THAT AMAECHI RECEIVED FROM DR. CHRISTIAN - RAY ON 379 UK-STUDENTS FOR THAT AMAECHI'S DISSERTATION RESEARCH

Importance Data: 7757777777777777777777777777 **etc.**

Satisfaction Data: 654. . 57666..55..22561557446373.4 etc.

Demographic Data: 22411154.122145 etc.

Petitioner (Amaechi) used 84 Satisfaction Survey items or 84 x 379 = **31836 Satisfaction data** and 14 demographic variables (i.e. 14 x 379) or **5306** demographic data for that study. Those data were first entered by hand into **eleven pages** of 11 in x 17 in sheets and from those data sets Amaechi wrote his approved dissertation proposal.

Upon Amaechi's completion of that study he then computed only the Satisfaction Survey Data from the eleven pages of 11 inches x 17 inches spreadsheet into an SPSS Data File that he *created* with those raw data sets for his 2000-2001 dissertation research at the university.

APPENDIX 21

(CASE NO. 04-1091)

A STRUCTURE OF AMAECHI'S SPSS DATA FILE HE CREATED WITH THOSE 11 PAGES OF THE 11 in BY 17 in SATISFACTION AND STUDENT BACKGROUNDS DATA FOR 379 STUDENTS

S	GENDER Male (2) Female (1)	AGE 1 to 5	RACE 1 to 7	SAT1 E...	SAT 84 S2
1	2	2	4	6	5
2	1	2	1	6	5
3	2	.	4	5	6
379	2	2	4	4	5

Note: Plaintiff's study contained 14 background variables.

S1 = Students # 1, 2, 2...379;

E = Experience (SAT 1, 2, 3, 4 ...83

S2 = Outcome of Experience or SAT 84, etc

Hence: Amaechi's S1-E-S2 Model (or Paradigm)

AGE: 1 = 18 and under
2 = 19 to 24 etc.

RACE: 1 = African-American
4 = Caucasian/White

GENDER: 2 = Male
1 = Female

APPENDIX 22

(CASE NO. 04-1091)

RESULTS OF AMAECHI'S (2001) RELIABILITY ANALYSIS OF SATISFACTION SCALE

"Reliability.

****** Method 2 (covariance matrix) will be used for this analysis ******

RELIABILITY ANALYSIS – SCALE (ALPHA)

N of Cases = 53.0

Statistics for	Mean	Variance	Std. Dev.	N of Variables
Scale	399.0566	4813.3621	69.3784	84

Item Means	Mean	Mini.	Max.	Range	Max/Min	Var.
	4.7507	3.8491	5.7358	1.8868	1.4902	.1651

Reliability Coefficients 84 items

Alpha = .9762/.98 Standardized item alpha = .9772/.98

APPENDIX 23

(CASE NO. 04-1091)

RESULT OF DR. CHRISTIAN - RAYS (1997) RELIABILITY ANALYSIS OF THE SAME SATISFACTION SCALE

"UK

Undergraduate

STUDENT SATISFACTION

Final Report

August 1997

...The Noel-Levitz Student Satisfaction Inventory (SSI) appears to be a very reliable instrument. Cronbach's coefficient alpha is .97 for the set of importance scores and **.98 for the set of satisfaction scores** *(C-Ray 1997, p. 17)*".

APPENDIX 24

(CASE NO. 04-1091)

SATISFACTION AND IMPORTANCE ITEMS THAT DR. CHRISTIAN – RAY (1997) HAD RATED WITH SATISFACTION SCALE AND IMPORTANCE SCALES FOR CAMPUS CLIMATE

67 = 1	Most students feel a sense of belonging here.
47 = 2	The campus staff are caring and helpful.
19 = 3	Faculty care about me as an individual.
78 = 7	The campus is safe and secure for all students.
49 = 10	Administrators are approachable to students.
68 = 29	It is an enjoyable experience to be a student on this campus.
69 = 37	I feel a sense of pride about my campus.
57 = 41	There is a commitment to academic excellence on this campus.
71 = 45	Students are made to feel welcome on this campus.
72 = 51	This institution has a good reputation within the community.
18 = 57	I seldom get the "run-around" when seeking information on this campus.
74 = 59	This institution shows concern for student as individuals.

75 = 60	I generally know what's happening on campus.
61 = 62	There is a strong commitment to racial harmony on this campus.
11 = 66	Tuition paid is a worthwhile investment.
62 = 67	Freedom of expression is protected on campus.
66 = 71	Channels for expressing student complaints are readily available.

APPENDIX 25
(CASE NO. 04-1091)
A SAMPLE OF DR. CHRISTIAN-RAYS'S (1997) FINDINGS FOR CAMPUS CLIMATE BASED ON HER ANALYSIS OF IMPORTANCE AND SATISFACTION DATA SETS

Campus Climate on 17 Items	Importance 6.15	Satisfaction/ SD 4.94 / 0.92	Performance Gap 1.21****
Items 67 = 1	5.86	4.94 / 0.92	0.94****
47 = 2	6.35	4.90 / 1.34	1.45****
19 = 3	6.18	4.69 / 1.53	1.49****
78 = 7	6.63	5.22 / 1.37	1.41****
49 = 10	5.76	4.52 / 1.49	1.24****
68 = 29	6.40	5.34 / 1.42	1.06****
69 = 37	5.90	5.50 / 1.27	0.40****
57 = 41	6.42	5.23 / 1.34	1.19****
71 = 45	6.18	5.00 / 1.45	1.18****
72 = 51	6.11	6.02 / 1.08	0.09****
18 = 57	6.24	4.06 / 1.75	2.18****

74 = 59	6.27	4.45 / 1.53	1.82****
75 = 60	5.61	4.88 / 1.42	0.73****
61 = 62	5.93	4.45 / 1.57	1.48****
11 = 66	6.60	5.14 / 1.49	1.46****
62 = 67	6.06	5.25 / 1.30	0.81****
66 = 71	6.06	4.32 / 1.66	1.74****

NOTE: IMP. Score - SAT. Score = P. GAP Score

APPENDIX 26
(CASE NO. 04-1091)
RESULTS OF AMAECHI'S (2001) FREQUENCY ANALYSIS OF MISSING N THE THOSE SAME SATISFACTION ITEMS INVESTIGATED IN 1997

2001 Items	1997-A Items	Missing N 1997	2001 Items	1997-A Items	Missing N 1997
1	= 8	013	44	= 42	090
2	= 16	029	45	= 46	043
3	= 26	009	46	= 73	039
4	= 27	025	47	= 2**	003
5	= 32	124	48	= 5**	129
6	= 34	002	49	= 10	036
7	= 44	093	50	= 13	009
8	= 49	056	51	= 22	102
9	= 58	001	52	= 30	139
10	= 61	020	53	= 43	085
11	= 66	009	54	= 48	093
12	= 69	000	55	= 11	009

13	= 6	003	56	= 40	130
14	= 14	004	57	= 41	004
15	= 19	013	58	= 50	015
16	= 33	006	59	= 55	007
17	= 47	006	60	= 56	052
18	= 57	006	61	= 62	009
19	= 3**	001	62	= 67	017
20	= 25	003	63	= 20	045
21	= 53	011	64	= 35	051
22	= 65	002	65	= 63	104
23	= 74	024	66	= 71	064
24	= 75	025	67	= 1**	002
25	= 76	023	68	= 29	007
26	= 77	037	69	= 37	004
27	= 78	026	70	= 39	006
28	= 79	066	71	= 45	002
29	= 80	022	72	= 51	008
30	= 81	062	73	= 52	028
31	= 82	018	74	= 59	002
32	= 83	018	75	= 60	007
33	= 68	003	76	= 64	057
34	= 70	010	77	= 4**	020
35	= 12	110	78	= 7	002
36	= 15	067	79	= 28	026
37	= 17	095	80	= 36	204
38	= 18	008	81	= 54	010

39	= 23	130	82	= 72	003
40	= 38	042	83	= 100	000
41	= 9	070	84	= 100	000
42	= 24	050	Total	Missing	N
43	= 31	123	1997	Data	= 3,128

Those missing "N's" obtained are also found on page 181 of Petitioner's 2001 dissertation containing 213 pages.

APPENDIX 27

(CASE NO. 04-1091)

RESULTS OF AMAECHI'S (2001) ANALYSIS OF SATISFACTION DATA - THE SAME 1997 SATISFACTION ITEMS

2001 SAT #	1997 SAT #	SAT Mean	2001 SAT #	1997 SAT #	SAT Mean
1	= 8	5.4699	44	= 42	4.2561
2	= 16	5.4371	45	= 46	5.1280
3	= 26	4.4324	46	= 73	4.1324
4	= 27	5.1299	47	= 2***	4.9069
5	= 32	4.8902	48	= 5***	4.5600
6	= 34	4.6472	49	= 10	4.5248
7	= 44	4.9895	50	= 13	5.0541
8	= 49	5.000	51	= 22	4.8520
9	= 58	5.1825	52	= 30	4.7208
10	= 61	4.9749	53	= 43	4.8435
11	= 66	5.1514	54	= 48	5.0070
12	= 69	5.7361	55	= 11	4.6054

13	= 6	5.3484	56	= 40	3.9357
14	= 14	5.0160	57	= 41	5.2213
15	= 19	4.5984	58	= 50	5.3159
16	= 33	5.6461	59	= 55	5.1129
17	= 47	4.9598	60	= 56	4.8838
18	= 57	4.0724	61	= 62	4.4784
19	3***	4.6958	62	= 67	5.2514
20	= 25	4.9734	63	= 20	4.8323
21	53	4.5734	64	= 35	5.0640
22	= 65	5.7798	65	= 63	5.2436
23	= 74	4.8282	66	= 71	4.3333
24	= 75	5.4520	67	= 1***	4.9178
25	= 76	4.5871	68	= 29	5.3468
26	= 77	4.2251	69	= 37	5.4907
27	= 78	4.9915	70	= 39	5.6997
28	= 79	4.4760	71	= 45	4.9973
29	= 80	4.9468	72	= 51	6.0162
30	= 81	4.9464	73	= 52	5.0370
31	= 82	5.1939	74	= 59	4.4642
32	= 83	5.5568	75	= 60	4.8737
33	= 68	5.7500	76	= 64	5.0248
34	= 70	4.9566	77	= 4***	5.1086
35	= 12	4.8030	78	= 7	5.2228
36	= 15	5.1731	79	= 28	4.6431
37	= 17	4.2641	80	= 36	5.0114
38	= 18	4.7116	81	= 54	5.0976

39	= 23	4.2771	82	= 72	5.5957
40	= 38	4.7745	83	= 100	4.4855
41	= 9	5.2265	84	= 100	4.8654
42	= 24	5.6657	KMO	Sampling	Adeq.
43	= 31	5.1016			88.5 %

After Amaechi's analysis he compared his results with the 1997 study at UK and found that his obtained mean scores for satisfaction items were similar to Dr. Christian-Rays (1997) mean scores for satisfaction items.

Respondents obtained scores for "Performance Gap" by subtracting satisfaction mean from the importance mean for the same items given only once and for one occasion. But "Performance Gap" did not have a scale.

Amaechi chose instead to use only the satisfaction scores for satisfaction analysis based on Durkhemian Traditional scientific methods of investigation and to test Emile Durkheim, 1909 notion: ***"Sociology must not be a simple illustration of ready-made and deceptive truisms; it must fashion discoveries which cannot fail to upset accepted notions."*** (Randall Collins (1994, p. 181). Four Sociological Traditions. NY, NY: Oxford University Press.

As in Tabachnick B. G. & Fidell, L. S. 1996 (p. 378). Using Multivariate Statistics (Third Edition). HarperCollins Publishers Inc., Amaechi believes that a *relationship* between **one outcome variable** (such as ***satisfaction)*** and **more than one none-outcome** variables (such as ***age, gender, class and etceteras)*** is also obtainable using **multivariate** statistics completed such analysis as well.

Amaechi also maintains that "multiple regression" and or a *multiple correlation* is the statistical method most commonly employed for predicting *Y (i.e. a dependent*

variable) from two or more independent variables. (Glass G. V. and Hopkins K. D. 1996, p. 170). *Statistical Methods in Education and Psychology* (Third Edition). Boston, MA. Allyn and Bacon.

SAT. 83 (100) is the overall satisfaction old mean for the UK-1997 satisfaction data set. On page 77 of Amaechi's 2001 dissertation he referred to that 83 (100) as 1997-A.

SAT. 84 (100) is the new mean for the same satisfaction data set with **"Missing N" from** each item **replaced** before analysis. On page 77 of Amaechi's 2001 dissertation he referred to that 84 (100) as 1997-B.

APPENDIX 28

(CASE NO. 04-1091)

SOME RESULTS OF AMAECHI'S (2001) ANALYSIS OF THE RELATIONSHIPS BETWEEN SATISFACTION AND STUDENT BACKGROUNDS

	SAT	GDR	AGE	ETR...
SAT	1	.498	.017	.631
GDR	.498	1	.010	.807
AGE	.017	.010	1	.899
ETR	.631	.807	.899	1, ...

SAT = Satisfaction **(S2)**, GDR = Gender, AGE = Age;

ETR = Ethnicity/Race, S2 = Satisfaction **mean** for a student's experience with several satisfaction items.

APPENDIX 29

(CASE NO. 04-1091)

SOME RESULTS OF AMAECHI'S (2001) ANALYSIS OF THE RELATIONSHIPS BETWEEN SATISFACTION AND OTHER CATEGORICAL VARIABLES – ACADEMIC SERVICES (AS)

	SAT	FTI	FT3	FT6	FT9	FT11
SAT	1	791	.594	.593	.657	.457
FT1	.791	1	.652	.650	.640	.572
FT3	.594	.652	1	.411	.479	.414
FT6	.593	.650	.411	1	.510	.435
FT9	.657	.640	.479	.510	1	.356
FT11	.457	.572	.414	.435	.356	1

SAT = Satisfaction **(S2).** FT = Factor, FT1 = Factor one, etc.

FT1 = Quality of Instruction **(AS)**

FT3 = Concern for Individual Students **(AS)**

FT6 = University Studies – General Ed. Requirements **(AS)**

FT9 = Variety of Courses offered on Campus **(AS)**

FT11= Registration Effectiveness **(AS)**

APPENDIX 30

(CASE NO. 04-1091)

SOME RESULTS OF AMAECHI'S (2001) ANALYSIS OF THE RELATIONSHIPS BETWEEN SATISFACTION AND OTHER CATEGORICAL VARIABLES – NON-ACADEMIC SERVICES (NAS)

	SAT	FT2	FT4	FT5	FT7	FT8...
SAT	1	.678	.671	.643	.472	.558

FT2	.678	1	.642	.597	.379	.597
FT4	.671	.642	1	.609	.436	.452
FT5	.645	.597	.609	1	.319	.567
FT7	.472	.378	.436	.319	1	.270
FT8...	.558	.597	.452	.567	.270	1

SAT = Satisfaction (S2)

FT2 = Enjoyable Experience/Campus Environment (NAS)

FT4 = Student Expression on Campus (NAS)

FT5 = Residence Hall Services (NAS)

FT7 = Financial Aid Services (NAS), FT8 = Student Involvement in Campus Organization (NAS), and etc.

APPENDIX 31

(CASE NO. 04-1091)

UPON RECOMMENDATIONS OF AMAECHI'S COMMITTEE HE WROTE A LETTER TO HIS COMMITTEE EXPECTING THEM TO ALLOW HIM TO FINISH HIS DISSERTATION WRITING

"DEFENDANT'S EXHIBIT # 31"

"Christopher N. Amaechi
P. O. Box 2371
London, KY 40743-2371

May 21, 2001

Dr. Richard M. Angelo
Chair Department of Educational

Policy Studies and Evaluation
131 Taylor Education Building
University of Kentucky
Lexington, KY 40506-0001

Dear Dr. Angelo,

Your recommendation to terminate me from the degree program in the Department of Educational Policy Studies and Evaluation at the University of Kentucky represents your continued act of harassment and intimidation. You heightened the threats and intimidation in 1999. Please review my letter to you on the issues dated July 24, 1999 and copied to Dr. Beth Goldstein, Dr. Shirley C. Raines, Dr. Robert Shapiro, Dr. Michael T. Nietzel, Dr. Douglass Kalika, Dr. Denese Jones, and to Dr. Elizabeth Zinser. According to you my writing is "...bad sex". According to you "high grade point average is not a reflection of one's abilities at the University of Kentucky". According to you, "the doctoral degree may not be for me". I entered the program in 1995, earned 71 graduate hours at the University of Kentucky with a 3.704/4.0 cumulative grade point average. The fact that you denied me the opportunity to take any of your classes does not mean that professors who allowed me to take their classes freely gave me the grades. I earned my grades.

You have recommended for my termination from the program. I believe that there are some graduate students in the program who enrolled in 1995 and are still in the program. However, you singled me out for termination. I believe that your recommendation to terminate me from the

program has violated the terms and conditions of our agreement which obligates you to guide me until graduation.

I also believe that your recommendation to terminate me from the program has interfered with my years of eligibility in the program. I was abandoned in the Fall 1998 and Spring 1999 semester when no one in the department signed a contract with the Graduate School to serve as my Major Advisor for the dissertation phase. Within that time period, you and Dr. Emanuel Okorley required me to review and write twelve different dissertation abstracts and present each to you. I complied with your demands yet none of the twelve topics as approved. Your letter to me on May 14, 2001 is the beginning of another form of abandonment. Each period of abandonment violates the terms and conditions of our agreements with respect to my years of eligibility in the program.

You and my Advisory Committee approved my dissertation proposal in which I also proposed to graduate in May 2001. I

submitted the first draft of my dissertation to you on February 27, 2001. At that time you told me not to call you but you will call me in two weeks. I received your written responses on **March 25, 2001**. On April 30, 2001 I submitted the revised copy of the dissertation to you. At that time you asked me to give you another two weeks to read it before you could give me a written response. On April 14, 2001, I called you for an opportunity to meet you one-on-one to review the dissertation. You told me then to show up at a meeting scheduled for May 16, 2001 at 1:00 p.m. in Dr.

Shirley C. Raines (Dean of the College of Education) office. At that meeting you handed to me a letter in which you recommended my termination from the program.

Your claim that I did not incorporate the committee's advice into the revised dissertation that I submitted to you on April 30, 2001 is false, and my evidence against your claim begins with Exhibit #1 on page three. The University of Kentucky bulletins published from 1995 to 2001 contain a section on the roles of the Major advisors toward helping a doctoral student until completion. You breached this faith in May 14, 2001 by recommending my termination from the program.

I have always asked for the opportunity to meet one-on-one with you to know specifically what to change in the dissertation, why the change needs to be made, and how to incorporate the change without changing the outcome of the study. You have instead preferred giving pieces of global advice without specificity.

You have stated that the revisions I made in the dissertation submitted to you on April 30, 2001 "left untouched the deficiencies of *concept, method, and exposition* highlighted in the memos" which I have received from and from Dr. Kifer on March 25, 2001. These charges are very serious enough to deserve some precision and specificity.

I wish to remind all that my life, liberty and pursuit of happiness depend largely on graduating from the Department of Educational Policy Studies and Evaluation (EPE) at the University of Kentucky with the doctorate degree. **It is my ultimate goal to teach at a four-year college or at a**

university with the doctorate degree and employers prefer candidates with earned doctorate degree for teaching positions over candidates with ABD.

If you had specifically told me what to change in the dissertation I had submitted to you on February 27, 2001 why the change, and how to incorporate the change into the dissertation without changing the outcome of the research, I would have graduated in May 6, 2001.

You advised me not to define "Face Validity" (See page 4 of your letter dated March 25, 2001). At the same time Dr. Edward (Skip) Kifer me a memo through you stating that the "reliabilities and validities of the Noel-Levitz instrument must be reported" in the dissertation. I could not have reported them if I had not received a copy of his memo from you. Your preferred pieces of global advice through written summary of the committee's responses have continued to delay my graduation from the program.

This letter of response specifically addresses each advice I had received from each of the members of my advisory committee after February 27, 2001. **The page number(s) of the chapter(s) cited at the end of each advice represent(s) the location in the dissertation submitted to you on April 30, 2001 where the piece of advice was incorporated**. These revisions are presented in the exhibits below:

Exhibit #1: On March 25, 2001 **Dr. Richard M. Angelo** gave these advice:

A. "We have no peg on which to hang performance gap"

(pages 3 through 9).

B. Show coherent line or reasoning in the first two Chapters **(see chapter 1 and 2).**

C. Abstract was salient about performance gap and S-E-S2 **(review abstract of the dissertation after the cover page).**

D. Give rationale for secondary data analysis **(review page 10 of the manuscript).**

E. Develop the distinction between measurement and theory **(page 1 through 20).**

F. Elaborate on the theory **(review pages 22 through 28 of the manuscript)**.

G. Remove the brief history of student services **(removed from the manuscript).**

H. Treat Student Satisfaction as a domain with its own Identity **(the approved dissertation topic was on student satisfaction. Review concerns of this study addressed very early on pages 13 through 14).**

I. Do some serious work on the statistical reasoning **(review concepts page 31 through 33, review methods pages 66 through 94, and exposition chapters 4 and 5).**

J. Do not define most of the terms like face validity, herculean task, oxymoron, sine quanon **(face validity was essential to the study but others were removed).**

Exhibit #2: **Dr. Edward (Skip) Kifer…**

A. Explain abbreviations like DV1 and DV2 **(review pages 73, 74, 75, and page 90).**

B. Explain S1-E-S2 **(review pages 23 through 28).**

C. Separate terms by academic services and non-academic services **(review page 76).**

D. "Value added" has a meaning in the context of other research **(page 77, 1997-B).**

E. If the missing values are important enough to produce two separate analysis, they must be important enough to look at seriously **(pages 76, 77 and 181).**

F. How many items were included in the analysis **(page 81 on reliability analysis, page 84 on factor analysis, and page 89 on reliability of multivariate tests).**

G. If one is using more than one outcome variable, an appropriate term is multivariate. **(This study involved more than one outcome variable such as DV1 83(100) and DV2 84(100) on pages 90, 91. Also see input factors pages 134 -145).**

H. It is not clear why factor analysis were done **(review pages 84 and 85).**

I. Information about the validity and reliability of the Noel-Levitz inventory must be part of the dissertation **(review page 78 on validity and pages 81 and 82 on reliability).**

J. Results of the academic and non-academic services are not reported review **(from page 124 through page 145).**

K. What are the centers (or means) and spreads (or SDs) of the dependent and independent variables **(review pages 135, 136, 140, 142, 143, 145, 146, 148, 149, 150, 151, 152, and 153).**

L. The appendix does not contain the analysis upon which the table is based. **I left messages for Dr. Kifer on March 25, 2001 for clarification of this but did not receive a reply but I responded anyway (review pages 173 through 179 and 181).**

Exhibit # 3: **Dr. John R. Thelin...**

A. "I read carefully those sections where Christopher cited some historians of higher

Page 4

education...but the context and connection to his work were not clear and did not do justice to those cited – to resist claiming that his work followed from those historians and their work..." **(the Historical Reviews were removed).**

Dr. Thomas Janoski...

A. Where are the correlation matrices showing the relationships between S1 and S2 **(review pages 121, and 122).**

B. What about the correlation matrices for relationships between academic services and satisfaction **(review pages 124 and page 128).**

C. It is important to show the correlation matrix for relationships between satisfaction and the non-academic services **(review pages 126, and 129).**

D. I need to see in the first few pages some values of satisfaction ratings and of performance gaps transformed into Z-scores **(review pages 3, 4, 5, 6, 7, 8, & 9).**

Furthermore, I have reviewed General Regulations of the Graduate School from 1995 to 2001 on Termination and on the Dissertation phase. It is not the Policy of the University of Kentucky to recommend for termination a student who is asking his/her major advisor for specific guidance to enable him/her to effectively make necessary revision(s) in written dissertation before the defense. The letter I mailed to you before the meeting on May 16, 2001 asked for specific guidance from you. It was dated May 14, 2001 and you received a copy from me at the **May 16, 2001** meeting.

Your recommendation for my termination from the program with the knowledge that you could be going on a study leave in the Fall 2001 speaks volumes.

I have enclosed copies of your letters to me dated **March 25, 2001, and May 14, 2001;** and copies of my letters to you dated **July 24, 1999, May 14, 2001** and a memo from Dr. Kifer.

Sincerely,

Christopher N. Amaechi

Cc: Dr. Jeffrey P. Bieber
Dr. Beth L. Goldstein
Dr. Michael T. Nietzel
Dr. Lauretta F. Byars
Dr. Deneese Jones
Dr. Fitzgerald Bramwell
Dr. Edward (Skip) Kifer
Dr. John R. Thelin
Dr. Shirley C. Raines
Dr. Thomas Janoski
File"

APPENDIX 32

(CASE NO. 04-1091)

OVER 800 COLLEGES AND UNIVERSITIES IN THE UNITED STATES USE MEASURES OF PERFORMANCE GAP FOR DECISION-MAKING AND FOR POLICIES IN EDUCATION

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October 12, 1999

Mr. Christopher Amaechi
Doctoral Candidate
University of Kentucky

PO Box 2371

London, KY 40743

Dear Mr. Amaechi:

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Sincerely,

Julie Bryant

Program Consultant

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PLEASE NOTE: ***"...There were no other doctoral candidates who went through the termination process as did Amaechi" See Appendix 12 herein. A reasonable explanation for that disparate treatment of Amaechi is because Amaechi is black and male and was not expected to make a reasonable discovery from his research study.***

APPENDIX 33
(CASE NO. 04-1091)
A LETTER FROM DR. ANGELO WITH RACIST REMARKS. HE USED BASKETBALL AND OTHER SPORTS TO RELATE TO AMAECHI
"DEFENDANT'S EXHIBIT # 16"

"June 15, 2000
Memorandum:

To: Christopher Amaechi
From: Richard Angelo, Chair EPE
Re: Our meeting today with Professor Kifer to

Discuss your last proposal (May 31).

I'm writing to summarize my understanding of the substance of our meeting this afternoon.

...(Bear in mind, while you're at it, that if student experiences are what matter, not perception or memory, you best think concretely about those experiences-about basketball games, concerts, pizza parties, and the like-and how you plan to chase these empirically. What's more, picking and choosing items from various survey instruments is certain to create more methodological problems for you than it will solve.)

Perhaps inevitably, the big distinction between your approach and Ray's approach to "student satisfaction" came up. **Once again we recommended a secondary analysis of Ray's data as the best way to make the case, and once again you rejected that suggestion,** in no small measure because you're convinced that the reliability of the data is open to question unless you have the individual questionnaires-the protocols-in hand.

In conclusion, you made it clear that while you intend to take a fresh crack at the issues raised by Professor Kifer in the weeks ahead-these are same issues, I might add, which I formulated for you in my memos of April 25 and May 9- you do not wish to tarry any longer with us over revisions. A meeting of the full committee to vote your effort up or down is what you want, and that is precisely what you'll get, as soon as we can arrange it.

Cc: Professor Skip Kifer"

APPENDIX 34
(CASE NO. 04-1091)
AMAECHI'S REPLY TO DR. ANGELO'S (6/15/2000) LETTER FOCUSSING ON ISSUES RELATED TO AMAECHI'S SCHOOLWORK

"Christopher N Amaechi
P.O.Box 2371
London, KY 40743-2371

June 18, 2000

Dr. Richard Angelo
Chair EPE
131 Taylor Education Building
Lexington, KY 40506-0001

Dr. Dr. Angelo,

Your memorandum to me dated June 15, 2000 and copied to Dr. Kifer totally misrepresented my views at our meeting on Thursday June 15, 2000. Therefore, I wish to repeat in writing what I had said at that meeting for the record.

I remarked that you are my major advisor and I have revised my proposal numerous times since 1998 based on your suggestions, recommendations and persuasions. I will revise it again based on your recommendations at that June 15, 2000 meeting and put all parts of the proposal together for you and for the committee rather than submitting fragments of the proposal to you and to the committee. Those were my comments at that meeting concerning revisions.

You and Dr. Kifer strongly recommended to me at that June 15, 2000 meeting to use institutional survey data which Christian-Ray and Associated (1997/2000) had

collected at the University of Kentucky and used for performance gap analysis for my dissertation because you believe that the data is richer than the data I was proposing to collect. You also reinterated the same recommendations in your June 15, 2000 memo to me. In addition, you re-advised me at that meeting to begin now to use the dissertation proposal writing format that I had learned from Dr. Thomas Gusky. I will comply with your recommendations.

Therefore, I have agreed to use the recommended survey data to examine evaluative outcomes of student experiences from academic and non-academic at the University of Kentucky. I will be revising my dissertation proposal in accordance with the contents of the data and wish to proceed immediately for the data. My topic is still student satisfaction with experiences from academic and non-academic services at the University of Kentucky. You will receive my full written dissertation proposal as soon as I am finished with the revisions.

Thank you for your recommendations.

Christopher N. Amaechi

cc: Dr. Kifer, Edward
Dr. Bjork, Lars G.
Dr. Janoski, Thomas
Dr. Bramwell, Fitzgerald"
Dr. Douglass Kalika
Dr. Jeffery Bieber
Dr. Robert Shapiro
Dr. Thelin, John R.
Dr. Rains, Shirley C.
Dr. Nietzel, Michael T.

CERTIFICATE OF A PARTY UNREPRESENTED BY COUNSEL UNDER RULE 44.2 AND UNDER RULE 29

1. This is to certify that all of the exhibits presented in full and or in part in this case are from the true and accurate copies of the original exhibits. Christopher Nnamdi Amaechi (hereafter Plaintiff-Appellant-Petitioner "Amaechi") certifies that the absence of an Attorney to represent him in a case of this magnitude is an intervening circumstance of a substantial or controlling effects. He filed his Petition for Case No. 04-1091 without a legal representation because his Attorney Linda J. West, Esq. said she is not admitted to the Bar of the United States Supreme Court. Amaechi unable to find an attorney is filing this Petition for Rehearing under Rule 44 with limited knowledge from filing the Petition for a Writ of Certiorari for Case No. 04-1091. In addition to previous 33 exhibits presented in the Petition for a Writ of Certiorari, Amaechi has included thirty-four (34) more exhibits (Apx. **11 – 34; pp.** 11 to 103) herein on ***grounds*** as stated in the Second Amended Complaint in Apx. **1** pp. 11-38 herein; and on all exhibits and facts, arguments, case laws, constitutional, statutory, and on regulatory provisions believed to confer on the United States Supreme Court's jurisdiction to review. This Petition for Rehearing is restricted to the grounds specified in this paragraph presented "in good faith and not for delay".

Three copies of this paid Petition for a Rehearing are served on counsel for Respondents-Robert L. Roark, Esq., WALTTHER, ROARK, GAY & TODD, 163 E. Main St., Ste. 2000, Lexington, KY 40507, this 10th day of May 2005.

Amaechi 05/10/05

Signature Date